OHD 045 205 424
A.3.1

AMERICAN HOME PRODUCTS CORPORATION

FIVE GIRALDA FARMS, MADISON, NEW JERSEY 07940, (201) 660-5000

ENVIRONMENT & SAFETY

October 28, 1994

Ms. Karen Nesbit
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087

Subject: ECKO Housewares, OHD 045 205 424

Dear Ms. Nesbit:

This is in response to your September 23, 1994 letter concerning the future status of the L-series wells used for groundwater monitoring during lagoon closure at the ECKO Housewares facility in Massillon, OH. American Home Products Corporation (AHPC) has completed closure of the lagoon at the ECKO facility. Following completion of closure, AHPC submitted the closure certification report to the Ohio Environmental Protection Agency (OEPA) as acknowledged in your September 23 letter. All L-series wells have been left in place at this time.

Your letter indicates that L-series monitoring wells must be either properly plugged and abandoned or a demonstration be made that the wells are necessary as part of the RFI monitoring program. As you are aware, the Corrective Measures Study (CMS) which addresses groundwater and soils remediation at the ECKO facility is currently under review by USEPA Region 5. The plans under consideration present several groundwater remediation alternatives that include at least one L-series well (L-1) for future use as a groundwater recovery well and it is anticipated that at least two of the remaining L-series wells will be used as monitoring points.

As a result, it is likely that at least three L-series wells will be used as part of the groundwater remediation program at this facility. Since the groundwater remedy is under review by USEPA, AHPC requests that OEPA approve the lagoon closure with all five L-series wells remaining in place. At the completion of the groundwater remediation design, AHPC will plug and abandon any L-series wells that will not be used in the remediation. By leaving all wells in place at this time, AHPC will have maximum flexibility

to determine the best locations for future groundwater recovery and monitoring wells that will be required as part of the groundwater remediation.

If you have any questions on the above, please contact me at (201) 660-5590.

Sincerely,

Patricia McDonald

Patricia McDonald
Manager
Environmental Affairs

cc: S. Averill, USEPA
L. Bove, Roy F. Weston

OHD 045 205424
D, 3, 4

Table A

Comparison of Bedrock Wells Analytical Results - Total VOCs (ug/L)
EKCO Housewares Facility

Well No.	1993 Results				Post Rehabilitation April/May+ 1994
	2/93	5/93	8/93	11/93	
*R-1	553	457	572	410	14
*R-2	1161	N/A	1118	1256	100
*R-3	128	106	95	6	251
R-4	ND	1	1	ND	N/A
R-5	126	23	23	28	39
*W-1	183	136	132	N/A	141
*W-10	2162	1673	1546	1422	2040

* Indicates well rehabilitated during IRM activities completed 30 March 1994.
+ W-Wells sampled on 4-19-94, R-Wells samples 5-2-94.

ND - Not detected at method reporting limit
N/A - Not sampled or not available

A.4.1

OhioEPA
State of Ohio Environmental Protection Agency

P.O. Box 163669, 1800 WaterMark Dr.
Columbus, Ohio 43216-3669
(614) 644-3020
FAX (614) 644-2329

George V. Voinovich
Governor

January 9, 1995

Re: Completion of Closure
U.S. EPA ID No.
OHD045205424

Ekco Housewares, Inc.
Attn: Mr. Thomas Shingleton
359 State Avenue, N.E.
P.O. Box 560
Massillon, OH 44648

American Home Products
Attn: Ms. Patricia McDonald
5 Giralda Farms
Madison, NJ 07940

Dear Mr. Shingleton and Ms. McDonald:

According to Ohio EPA records, on July 13, 1993, the Director of the Ohio EPA approved a closure plan for Ekco Housewares, Inc., 359 State Avenue, N.E., Massillon, Ohio 44648. The plan concerned a hazardous waste surface impoundment at that facility. On August 2, 1994, the Director received certification documents stating that the hazardous waste surface impoundment had been closed according to the specifications in the approved closure plan. Ohio EPA District Office personnel completed a closure inspection and a final review of documents pertaining to the surface impoundment on November 16, 1994.

Based on this inspection and review, the Ohio EPA has determined that the surface impoundment has been closed in accordance with the approved closure plan and Rules 3745-66-12 through 3745-66-15 of the Ohio Administrative Code (OAC). Ekco Housewares, Inc. is currently a small quantity generator of hazardous waste.

As specified in OAC Rule 3745-66-40, Ekco Housewares, Inc., will not be required to maintain financial assurance for closure costs and liability coverage for accidental occurrences at this location, in accordance with OAC Rules 3745-66-43(H) and 3745-66-47(E).

Please note that this letter does not relieve the facility of any corrective action responsibilities that are required.

If you have any questions concerning the closure process or the current status of the facility, please contact the Ohio EPA, Northeast District Office, Attn: Karen Nesbit, 2110 E. Aurora Road, Twinsburg, Ohio 44087, tel: (216) 963-1200.

Sincerely,

Thomas E. Crepeau

Thomas E. Crepeau, Manager
Data Management Section
Division of Hazardous Waste Management

cc: Harriet Croke, U.S. EPA, Region 5 ✓
Ed Kitchen, DHWM
Maria Velalis, DHWM
Laurie Stevenson, DHWM
Karen Nesbit, NEDO

OHD 045 205 424
A.4.1

INTER-OFFICE COMMUNICATION

TO: Tom Crepeau, DHWM, CO

From: Karen L. Nesbit, DHWM, NEDO

Subject: Ekco Housewares Company Closure Certification (OHD 045 205 424)

Date: November 22, 1994

==========

On August 2, 1994, Ohio EPA received the closure certification of the hazardous waste surface impoundment at the Ekco Housewares facility located in Massillon, Ohio. A notice of violation regarding the certification was sent to the facility on September 23, 1994. The facility resubmitted the requested additional information on October 28, 1994. Based on review of this documentation and a site inspection conducted on November 16, 1994, it appears that the unit was cleaned closed in accordance with the closure plan approved July 13, 1993.

The facility is not abandoning the L-series wells which were utilized during the closure activity. These L-wells may be used during the corrective actions which are occurring at the facility to remediate the ground water. Responsibility of these wells is now with the USEPA which is overseeing the corrective actions.

Please send the certification letter to both:

Patricia McDonald
American Home Products
5 Giralda Farms
Madison, NJ 07940

And

Thomas Shingleton
Ekco Housewares, Inc.
359 State Ave., N.E.
P. O. Box 560
Massillon, OH 44648

The facility is currently a small quantity generator of hazardous waste.

Environmental measures:

13000.66 ton of waste which was treated on-site was sent as non-hazardous waste to Countywide Landfill in Stark County.

Should you have any questions, please contact me at (216) 963-1159.

KLN:cl

cc: Harry Courtright, DHWM, NEDO
Laurie Stevenson, DHWM, CO
Sally Avrill, USEPA, Region V
Montee Suleiman, DHWM, CO
Rich Kurlich, DDAGW, NEDO

OhioEPA
State of Ohio Environmental Protection Agency
Northeast District Office
2110 E. Aurora Road
[illegible]burg, Ohio 44087-1969
[illegible]425-9171
[illegible](216) 487-0769

C.2
a 4.1

George V. Voinovich
Governor

September 23, 1994

EKCO HOUSEWARES
STARK COUNTY
OHD 045 205 424
CLOSURE NOTICE OF VIOLATION

CERTIFIED MAIL

Ms. Pat McDonald
American Home Products
5 Giralda Farms
Madison, NJ 07940

Dear Ms. McDonald:

On August 2, 1994, Ohio EPA received the closure certification from Roy F. Weston Inc. for the approved closure plan of the hazardous waste surface impoundment at the EKCO Housewares facility located in Massillon, Ohio.

Based on review of the certification, Ohio EPA has determined that additional work must be conducted before Ohio EPA will accept the certification. Specifically, the L-series monitoring wells must either be properly plugged and abandoned, or a demonstration that the wells are necessary for the RFI monitoring program be submitted.

If any of the L-series wells are to be used in the RFI monitoring, a letter to Sally Avrill, USEPA Region V, will be submitted as part of the certification documenting which of these wells will be monitored and maintained in accordance with the RFI monitoring program.

Documentation that any remaining L-series wells not used in the RFI program have been plugged and abandoned in accordance with the methodology in the approved closure plan must be submitted for Ohio EPA prior to acceptance of the clean closure certification of the hazardous waste surface impoundment.

Failure to list specific deficiencies in this communication does not relieve you from the responsibility of complying with all applicable regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Please submit the requested documentation by October 28, 1994. If you have any questions, please feel free to contact either Mr. Rich Kurlich of the Division of Drinking and Ground Water or me at (216) 963-1200.

Sincerely,

Karen L. Nesbit
Division of Hazardous Waste Management

KLN.cl

cc: Harry Courtright, DHWM, NEDO
Laurie Stevenson, DHWM, CO
Montee Suleiman, DHWM, CO
Rich Kurlich, DDAGW, NEDO
Sally Averill, USEPA, Region V
Tim Farrell, Weston

OhioEPA
State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020
FAX (614) 644-2329

TRACKING - DHWM, CM&ES
TO GO ON: ✓ RCRIS __ FO LOG __ USEPA LOG __ CJ LOG __ FILE
ENTERED: ✓ RCRIS __ FO LOG __ USEPA LOG __ CJ LOG ONLY
RCRIS ENTRY CODES: (EVALULATION)_____ (ENFORCEMENT)_____
CEI __ CI __ OTHER FRR INITIAL NOV __ FOLLOW-UP NOV __
FULL RTC ✓ PARTIAL RTC __ LDR __ SENT TO USEPA: YES__ NO__

Donald R. Schregardus
Director

January 18, 1994

Re: Ekco Housewares, Inc.
OHD045205424
Financial Assurance

RECEIVED FEB 11 1994
WMD RCRA
RECORD CENTER

Geraldine A. Moss
American Home Products Corporation
Five Giralda Farms
Madison, New Jersey 07940

Thomas Shingleton
Plant Manager
Ekco Housewares, Inc.
359 State Avenue, NE
Massillon, Ohio 44648

Dear Ms. Moss and Mr. Shingleton:

On January 14, 1994 Ohio EPA received a financial test for American Home Products Corporation's fiscal year ending December 31, 1992 submitted in response to Ohio EPA's Notice of Violation letter dated December 14, 1993. Review of the financial test and chief financial officer's letter reveals that it meets the wording requirements set forth in Ohio Administrative Code (OAC) rule 3745-55-51(G). The financial test submitted by American Home Products in conjunction with the corporate guarantee which was previously submitted adequately demonstrates liability coverage for the Ekco Housewares Massillon, Ohio facility,

Therefore, the Ekco Housewares facility referenced above is now in compliance with OAC rules 3745-66-42, 3745-66-43 and 3745-66-47. The next financial test submittal demonstrating liability coverage for Ekco Housewares should be received by this office March 31, 1994, ninety (90) days from the end of American Home Products latest fiscal year December 31, 1993.

Thank you for your quick response to this matter. If you have any questions in the future, please feel free to call me at (614) 644-2948.

Sincerely,

Kurt Kohler

Kurt Kohler
Compliance Monitoring and Enforcement Section
Division of Hazardous Waste Management

wp.KK.lcn.ekco2ltr.

cc: Laurie Stevenson, Supervisor, CM&ES, DHWM
Jacqueline Kline, U.S. EPA, Region V
Karen Nesbit, DHWM, NEDO

A.4.1

OhioEPA
State of Ohio Environmental Protection Agency
Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 44087-1969
(216) 425-9171
FAX (216) 487-0769

George V. Voinovich
Governor
Donald R. Schregardus
Director

March 29, 1994

RE: EKCO HOUSEWARES
STARK COUNTY
OHD 045 205 424
CLOSURE MODIFICATION

CERTIFIED MAIL

Ms. Pat McDonald
American Home Products
5 Giralda Farms
Madison, NJ 07940

Dear Ms. McDonald:

On March 8, 1994, Ohio EPA received a letter dated March 4, 1994 from Roy F. Weston Inc. requesting two modifications to the approved closure plan at the EKCO Housewares facility located in Massillon, Ohio.

The modifications are as follows:

1.) The background clean standard for the natural soils encountered during the closure activities are to be based on Ohio farms soils data. Specifically, the appropriate action levels are:

Cadmium (Cd):	0.8 mg/kg
Chromium (Cr):	20 mg/kg
Lead (Pb):	29 mg/kg

2.) The backfill operations shall begin prior to the removal of all contaminated soils to facilitate the removal of the remaining contamination.

Based on the provided material, Ohio EPA has no objections to modification 1.

Please note, for modification 2, Ohio EPA does not object to backfilling prior to the removal of all contaminated soil to facilitate the removal of the remaining contamination. However, Ohio EPA does not recommend the use of high permeability backfill materials that could potentially connect differing pathways for contaminent migration. Ekco shall adhere to the approved closure plan and backfill with soil which would have equal or lesser permeability relative to surrounding native soils as indicated in the approved plan.

Failure to list specific deficiencies in this communication does not relieve you from the responsibility of complying with all applicable regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Please keep Ohio EPA notified of all closure activities.

If you have any questions, please feel free to contact either Mr. Harry Courtright or me at (216) 963-1200.

Sincerely,

Karen L. Nesbit
Environmental Scientist
Division of Hazardous Waste Management

KLN.wk

cc: Harry Courtright, DHWM, NEDO
Laurie Stevenson, DHWM, CO
Montee Suleiman, DHWM, CO
Rich Kurlich, DDAGW, NEDO
Sally Averill, USEPA, Region V
Tim Farrell, Weston

OhioEPA
State of Ohio Environmental Protection Agency
Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 44087-1969
(216) 425-9171
FAX (216) 487-0769

A.4.1

TOSA

George V. Voinovich
Governor
Donald R. Schregardus
Director

February 8, 1994

RE: EKCO HOUSEWARES
STARK COUNTY
OHD 045 205 424
CLOSURE MODIFICATION

CERTIFIED MAIL

Ms. Pat McDonald
American Home Products
5 Giralda Farms
Madison, NJ 07940

Dear Ms. McDonald:

On January 17, 1994, Ohio EPA received a response to the Ohio EPA letter dated December 20, 1993 regarding the November 24, 1993 proposed modification to the approved closure plan at the EKCO Housewares facility located in Massillon, Ohio.

Ohio EPA has reviewed the documentation provided, and has no objections to the modification provided the following are addressed:

1) An accurate log of all observations concerning the sump waters and the waters collected in the two 12,500 gallon collection tanks be kept and sent to the Ohio EPA's Northeast District Office at least once per month for the duration of the dewatering process.

2) During the dewatering operation, American Home Products must introduce the collected sump waters on the day EKCO samples the air stripper effluent in a manner which provides an accurate measure of the removal efficiency for these additional waters. In other words, American Home Products must prove that the air stripper is performing as anticipated on a monthly basis.

Failure to cite specific violations and deficiencies in this communication does not release the facility from the responsibility of complying with all applicable regulations. Please be advised that instances of non-compliance can continue as subjects of pending or future enforcement action.

Please keep Ohio EPA appraised of all closure activity.

If you have any problems or questions, please do not hesitate to contact either Harry Courtright or me at (216) 963-1200.

Sincerely,

Karen L. Nesbit

Karen L. Nesbit
Environmental Scientist
Division of Hazardous Waste Management

KLN.wk

cc: Harry Courtright, DHWM, NEDO
Laurie Stevenson, DHWM, CO
Montee Suleiman, DHWM, CO
Phil Rhodes, DSW, NEDO
Rich Kurlich, DDAGW, NEDO
Sally Averill, USEPA-Region V
Bruce Blackenship, Canton City Health Dept.
Tim Farrell, Weston

OhioEPA
State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020
FAX (614) 644-2329

George V. Voinovich
Governor

Donald R. Schregardus
Director

CERTIFIED MAIL

RE: CLOSURE PLAN EXTENSION
EKCO HOUSEWARES, INC.
OHD 045 205 424

February 1, 1994

Ms. Patricia W. McDonald
American Home Products
5 Giralda Farms
Madison, NJ 07940

Dear Ms. McDonald:

On January 4, 1994, Ekco Housewares, Inc., located at 359 State Avenue, Massillon, Ohio, submitted a request for an extension to the closure period specified in the approved closure plan dated July 13, 1993 for 142 days, until June 1, 1994. The extension request was submitted pursuant to OAC Rule 3745-66-13(B) as closure will require longer than the period specified in the approved closure plan. Ekco Housewares, Inc. has requested this extension because heavy rains have elevated the ground water table requiring both an extension of time and a closure plan modification.

My staff reviewed your request and recommends that the extension be granted per Rule 3745-66-13(B) of the OAC. I concur and am therefore granting this extension request. This extension is being granted for the above referenced closure plan and expires on June 1, 1994.

Ekco Housewares, Inc. shall continue to take all steps to prevent a threat to human health and the environment from the unclosed but inactive waste management unit per OAC Rule 3745-66-13(B)(2).

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Cavin Date 2-2-94

OHIO E.P.A.
FEB -2 94
ENTERED DIRECTOR'S JOURNAL

Please be advised that approval of this closure extension request does not release Ekco Housewares from any responsibilities as required under the Hazardous and Solid Waste Amendments of 1984 regarding corrective action for all releases of hazardous waste or constituents from any solid waste management unit, regardless of the time at which waste was placed in the unit.

When closure is completed, the Ohio Administrative Code Rule 3745-66-15 requires the owner or operator of a facility to submit to the Director of the Ohio EPA certification by the owner or operator and an independent professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan. These certifications shall follow the format specified in OAC 3745-50-42(D), and should be submitted to: Ohio Environmental Protection Agency, Division of Hazardous Waste Management, Attn: Tom Crepeau, Data Management Section, P.O. Box 1049, Columbus, OH 43226-0149.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Board of Review pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the ground upon which the appeal is based. This appeal must be filed with the Environmental Board of Review within thirty (30) days from the receipt of this letter. A copy of the appeal must be served to the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Board. An appeal must be filed at the following address:

Environmental Board of Review
236 East Town Street
Room 300
Columbus, OH 43215

Sincerely,

Donald R. Schregardus
Director

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Cavin Date 2-2-94

DRS/KLN/wk

cc: Tom Crepeau, DHWM Central File, Ohio EPA
Section Chief, Ohio Permit Section, U.S. EPA - Region V
Randy Meyer, Ohio EPA, DHWM, CO
Karen L. Nesbit, Ohio EPA, DHWM, NEDO
Harry Courtright, Ohio EPA, DHWM, NEDO

A-4.1

OhioEPA
State of Ohio Environmental Protection Agency
Northeast District Office
2110 E. Aurora Road
nsburg, Ohio 44087-1969
6) 425-9171
FAX (216) 487-0769

George V. Voinovich
Governor

December 20, 1993

RE: EKCO HOUSEWARES
STARK COUNTY
OHD 045 205 424
CLOSURE MODIFICATION

CERTIFIED MAIL

Ms. Pat McDonald
American Home Products
5 Giralda Farms
Madison, NJ 07940

Dear Ms. McDonald:

On November 24, 1993, Ohio EPA received via facsimile transmission a proposed modification to the approved closure plan at the EKCO Housewares facility located in Massillon, Ohio.

Based on the provided material, Ohio EPA has determined that there is insufficient information to make an evaluation of the proposed modification. Ohio EPA requests that you submit a more detailed explanation of the modification. This response, at a minimum, should address the following concerns:

1) State the diameter, screen slot size, and construction material of the proposed extraction well and provide a detailed construction diagram.

2) State the projected total depth of the proposed extraction well. Justify the choice of depth.

3) State all abandonment procedures for the extraction well at the completion of the project.

4) State the make, model, flow rate, maximum head, and power requirements of the pump to be used.

5) State the frequency of the pump use (continuous, intermittent, or as needed).

6) The system must include check valves to prevent the siphoning of water back into the well in the event of disruption of power.

7) The system must include automatic shut-off controls in the event that the water table drops below the pump intake.

8) State the influence of Newman Creek relative to the pumping well. Will the proposed pumping rate be sufficient to lower the water table in the excavation area while in proximity to a recharge boundary such as posed by Newman Creek? Justify the conclusions.

9) Considering the proximity of the proposed extraction well to background well L-3, what will be the impact on well L-3? Will the contaminated groundwater be pulled into the vicinity of well L-3 such that it no longer reflects background conditions? Justify the conclusions. Well L-3 must be replaced in the event that it becomes contaminated.

10) Considering the work will be conducted during the winter months, state the methods that will be taken to ensure that the water lines remain unfrozen thus preventing holding tank overflow.

11) State the schedule of periodic maintenance inspections, including replacement of the filter bag as needed.

12) The facility shall consider a preliminary pumping test to evaluate the feasibility of this proposal.

13) The waste water (ground water from the lagoon) must be characterized with respect to volatiles, semi-volatiles and metals. If the water is determined to be a characteristic hazardous waste, it will not be allowed to enter the current treatment system.

14) The proposal shall include the removal of separated contaminants which may float to the surface of the two 12,500 gallon tanks.

15) State what additional loadings this source will add to the final discharge outfall for the pollutants of concern.

16) The density and miscibility of each constituent of concern should be defined. State how will this affect the tank draw-off locations.

17) An analytical datum from monitoring well L-1 on 2/92 was chosen as a factor in determining the increase in the VOC discharge. Explain why this point was chosen rather than data from monitoring well D-3-17 (a shallow well).

18) In the proposal, the stated permitted limit of 25 lbs/day for total VOC's must be explained. Based upon a flow rate of 600 gpm (0.864 MGD) and a total VOC design concentration of 200 ug/l (from the PTI application), the permitted limit equals 1.44 lbs/day. If the current VOC discharge is 9 lbs/day, how can the air stripper legally be overloaded more than it currently is?

19) If the 100 micron bag is being proposed to prevent heavy metal contamination from reaching the air stripper, a maximum 0.45 micron bag should be used.

20) The disposal of any sediment which accumulates in the tanks must be addressed.

21) The facility must demonstrate that the excavated waste passes the paint filter test (SW-846 Method 9095) prior to disposal.

Failure to list specific deficiencies in this communication does not relieve you from the responsibility of complying with all applicable regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

If you have any questions, please feel free to contact either Mr. Harry Courtright or me at (216) 963-1200.

Sincerely,

Karen Nesbit

Karen L. Nesbit
Environmental Scientist
Division of Hazardous Waste Management

KN.wk

cc: Harry Courtright, DHWM, NEDO
Laurie Stevenson, DHWM, CO
Montee Suleiman, DHWM, CO
Phil Rhodes, DSW, NEDO
Rich Kurlich, DDAGW, NEDO
Sally Averill, USEPA, Region V
Bruce Blackenship, Canton City Health Dept.
Tim Farrell, Weston

June 19, 1992

DECLARATION OF
THOMAS J. SHINGLETON

I, Thomas J. Shingleton, state as follows:

1. From October, 1983, through the present I have been Plant Manager of the Ekco Housewares, Inc., ("Ekco") facility at Massillon, Ohio.

2. The surface inpoundment or wastewater lagoon formerly used by Ekco was taken out of service on June 5, 1984. It has not been operated since then.

This declaration made subject to 15 U.S.C. Section 3001 this 19th day of June, 1992.

Thomas J. Shingleton

State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020
FAX (614) 644-2329

George V. Voinovich
Governor

Donald R. Schregardus
Director

CLOSURE PLAN APPROVAL

CERTIFIED MAIL

RE: CLOSURE PLAN APPROVAL
Ekco Housewares, Inc.
OHD 045 205 424

Ms. Pat Wells
American Home Products
685 Third Avenue
8th Floor
New York, NY 10017

Dear Ms. Wells:

On August 16, 1988, Ekco Housewares, Inc. (Ekco) submitted to Ohio EPA a closure plan for a hazardous waste surface impoundment located at 359 State Street NW, Massillon, Stark County, Ohio. On January 4, 1989, Ohio EPA disapproved the August 16, 1988 closure plan. Ekco subsequently filed its request for an adjudication hearing on February 3, 1989. Ohio EPA and Ekco have engaged in settlement discussions ever since.

Ekco submitted a treatability study on August 10, 1990. Revisions to the closure plan were received on December 6, 1991, July 23, 1992 and October 13, 1992. The closure plan was submitted pursuant to Rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that Ekco Housewares Inc.'s proposal for closure complies with the requirements of OAC Rules 3745-66-11 and 3745-66-12. The parties to Case No. 89-HW-008 have filed a Joint Stipulation and Settlement Agreement, dated January 25, 1993, by which the parties have agreed that the revised closure plan should be approved.

The public was given the opportunity to submit written comments regarding the closure plan of Ekco Housewares, Inc. in accordance with OAC Rule 3745-66-12. No comments were received by Ohio EPA in this matter.

Based upon review of Ekco's submittal and subsequent revisions, I conclude that the closure plan for the hazardous waste facility

at Ekco Housewares, Inc., as modified, herein meets the performance standard contained in OAC Rule 3745-66-11 and complies with the pertinent parts of OAC Rule 3745-66-12.

Pursuant to OAC rule 3745-47-19(D), and upon consideration of the record, I hereby dismiss Case No. 89-HW-008 and approve with the following modification, the revised closure plan submitted by Ekco Housewares, Inc.:

> Ekco shall ensure that the background clean standards presented for the fill material are applied only to fill material affected by the impoundment. If Ekco discovers natural soils (clay, till, etc.) which may be contaminated, then a background clean standard shall be determined for the natural soil. Under no circumstance shall the background clean standard for the fill be applied to non-fill (natural) soils, except where intermingling of fill and natural soils is encountered. Background soil samples from the non-fill (natural) soils shall be collected on site in order to develop a background clean standard for natural soils. Ekco shall submit the number and location of these background soil samples to the Ohio EPA Northeast District Office site inspector for review and approval prior to obtaining the actual samples.

Please be advised that approval of this closure plan, as modified, does not release Ekco Housewares, Inc. from any responsibilities as required under the Hazardous and Solid Waste Amendments of 1984 regarding corrective action for all releases of hazardous waste of constituents from any solid waste management unit, regardless of the time that the waste was placed in the unit.

Notwithstanding compliance with the terms of the modified closure plan, the Director may, on the basis of any information that there is or has been a release of hazardous waste, hazardous constituents, or hazardous substances into the environment, issue an order pursuant to Section 3734.20 et seq of the Revised Code or Chapters 3734 or 6111 of the Revised Code requiring corrective action or such other response as deemed necessary; or initiate appropriate action; or seek any appropriate legal or equitable remedies to abate pollution or contamination or to protect public health or safety or the environment.

Nothing here shall waive the right of the Director to take action beyond the terms of the modified closure plan pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C, §9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 ("CERCLA") or to take any other action pursuant to applicable Federal or State law, including but not limited to the right to issue a permit with terms and conditions requiring corrective action pursuant to Chapters 3734 or 6111 of the Revised Code; the right to seek injunctive relief, monetary penalties and punitive damages, to undertake any removal, remedial, and/or response action relating to the facility, and to seek recovery for any costs incurred by the Director in undertaking such actions.

When closure is completed, the Ohio Administrative Code Rule 3745-66-15 requires the owner or operator of a facility to submit to the Director of the Ohio EPA certification by the owner or operator and an independent, registered professional engineer that the facility has been closed in accordance with the approved closure plan. The certification by the owner or operator shall include the statement found in OAC Rule 3745-50-42(D). These certifications should be submitted to: Ohio Environmental Protection Agency, Division of Hazardous Waste Management, Attn: Thomas Crepeau, Data Management Section, P.O. Box 1049, Columbus, Ohio 43266-0149.

Sincerely,

Donald R. Schregardus
Director

DRS/PV/pas

cc: Tom Crepeau, DHWM Central File, Ohio EPA
Randy Meyer, Ohio EPA, DHWM
Section Chief, Ohio Permit Section
USEPA - Region V
Karen Nesbit, NEDO, Ohio EPA
Retanio Rucker, Assistant Attorney General

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Cavin Date 7-13-93

OHIO E.P.A.
JUL 13 93
ENTERED DIRECTOR'S JOURNAL

PRICE BROTHERS
TECHNOLOGY DIVISION

367 W Second Street
P.O. Box 825
Dayton, OH 45401
513-226-8700
FAX 513-226-8765

January 19, 1993

Roy F. Weston, Inc.
Weston Way
West Chester, Pennsylvania 19380

Attention: Harold G. Byer, Jr.

Re: EKCO Products Investigation
Massillon, Ohio

Dear Mr. Byer:

Price Brothers submitted a response to your report on the Massillon EKCO property on September 29, 1992. There has not yet been any response to that submission. In addition, my letter of December 17 requested information on the status of that investigation. There has been no response to that request either. Price Brothers maintains that your initial investigation was incomplete, with data "gaps" left in the area of Well Cluster No. 10. We feel a shallow well in this area is required to show the true source of the contamination of the groundwater on Price Brothers' property.

In order to protect Price Brothers' interests in this matter, and to ensure that the information available regarding this site is as complete as possible, Price Brothers intends to install the above mentioned well. While we still maintain that this work should have been done as a part of the initial investigation, we also feel the information is necessary.

We would request that once this well is installed, you include it in future rounds of sampling. We would like to be able to sample and take water level measurements of all wells on Price Brothers property at one time. In addition, we would like to be present for future sampling done by your firm, for the purpose of taking

duplicate or split samples, for our own information.

Please let me know of any sampling activities you have planned for this site, so that we may coordinate our efforts accordingly. I would again ask that you keep me informed of the status of this project. Thank you for your cooperation.

Sincerely,

Scott D. Hartsough, P.E.

Scott D. Hartsough, P. E.
Corporate Environmental
Engineer

cc: Patricia Wells, American Home Products
Sally Averill, U.S.E.P.A. Region V

E. W. Heisler
B. W. Evers

Rec'd 10/30/92

WESTON®
MANAGERS DESIGNERS/CONSULTANTS
1 WESTON WAY
WEST CHESTER, PA 19380-1499
PHONE: 215-692-3030
FAX: 215-430-3186

7 October 1992

Mr. Retanio Aj Rucker
Assistant Attorney General
State Office Tower
30 East Broad Street
Columbus, OH 43266-0410

W.O. #2994-02-03

Re: Response to 18 September 1992 Letter
[redacted] Housewares, Inc.;
Case No. 89-HW-008;
Compromise Settlement Negotiations

Dear Mr. Rucker:

Enclosed please find the response to your 18 September 1992 letter to Steve Oster, Esq., which transmitted additional Ohio Environmental Protection Agency (OEPA) comments on the EKCO Housewares Lagoon Closure Plan. We are submitting individual responses to your comments as Attachment A, and we are also submitting the changed pages that can be inserted in the Plan submitted earlier.

If we can be of further assistance in this matter, please contact Ms. Pat Wells at (212) 878-5590 or me at (215) 344-3643.

Very truly yours,

ROY F. WESTON, INC.

Harold G. Byer

Harold G. Byer
Principal Project Manager

HGB/kop

cc: M.N. Bhatla
S. Oster - WF&G
P. Wells - AHPC
P. Vandermeer - OEPA
S. Averill - U.S. EPA
K. Nesbit - OEPA N.E.
P. Tag - EKCO

ATTACHMENT A

Comment: **Section 3.6**

The closure plan provides two separate sets of background sample data, one set in Appendix C (Table C-1) and one set in Appendix I. Each data set provides different estimations for background according to probability plots (Ohio EPA prepared probability plots for the data in Appendix C). See the comparison chart below.

Background Estimations

	Table C-1	Appendix I
Cadmium	3.7 mg/kg	3.7 mg/kg
Chromium	20 mg/kg	91 mg/kg
Lead	80 mg/kg	700 mg/kg

EKCO shall provide a justification for the use of the data from Appendix I versus the data from Appendix C, Table C-1.

Response: The data from the Floyd Brown Associates (FBA) Report, presented in Appendix C, was only included as part of the historical discussion of the lagoon investigation. It was the first set of available data and the confidence level of the data is very low. Information regarding sample collection procedures, analytical protocol, quality assurance requirements, soil boring logs, and the original analytical data were not available during the development of these estimations. WESTON is researching the type of samples that were used for this analysis and currently believe these data do not necessarily represent typical fill parameters at the EKCO facility.

The background soil data presented in Appendix I was developed as part of Phase II Groundwater Assessment Program and the current RCRA Facility Investigation. Samples collected from the fill are much more representative of the site conditions and comprise the data set that was used to develop background estimations.

Comment: **Section 4.4.1.2**

The chemical reaction "equation" provided in this section is not correctly presented or balanced. Calcium ion (Ca^{+2}) normally exhibits a charge of +2, the hydroxide ion (OH^-) normally exhibits a charge of -1. Therefore, in order for calcium to react properly to form calcium hydroxide ($Ca[OH]_2$) using two hydroxide ions. The equation shall be revised to reflect these changes. In addition, the entire reaction is unbalanced. EKCO shall properly

balance the equation.

Response: The chemical reaction equation has been balanced in response to OEPA's request and is presented below:

$$CaO + Cd^{+2} + H_2O \rightarrow Cd(OH)_2 + Ca^{+2}$$

The revised equation is presented in subsection 4.4.1.2 on page 4-7.

Comment: **Section 4.4.1.3**

EKCO shall clarify this section as to the timing of the activities. For instance, the temporal relation of the stabilization of the separate lifts to their removal requires clarification. The following requirements shall be adhered to:

> The separate lifts of material shall not be mixed.
>
> Removal of the second four feet of waste will not commence until the stabilized material has been verified non-hazardous.

Response: Subsection 4.4.1.3 has been revised to clarify the timing of activities. The subsection has been revised to explicitly state that the separate lifts shall not be mixed and that removal of the second four feet of waste will not commence until the stabilized material has been verified non-hazardous. These changes are presented on the attached pages 4-7 through 4-10.

Comment: **Section 4.4.1.4.1**

EKCO should be aware that the receiving solid waste landfill may require a full TCLP metals analysis to be run on the stabilized waste prior to disposal. EKCO shall inquire with potential solid waste facilities to clarify this issue.

Response: EKCO has contacted local solid waste landfills to ascertain their analytical requirements for disposal of the excavated soils. The landfills that have been contacted will require additional analysis of waste stream. These requirements, however, do vary according to the policy of each landfill, and, therefore, it is not included as a requirement in the Closure Plan. Please be assured that all characterization requirements of the receiving landfill will be followed.

Comment: **Section 4.5.2**

EKCO shall revise the closure plan to indicate that stainless steel scoops or other appropriate equipment will be used for the collection of the samples.

Response: The closure plan has been revised to indicate that stainless steel scoops will be used for the collection of samples. OEPA should consider the use of plastic disposable scoops given the nature of the metals problem at the site. However, we will comply with your comment and this change is presented on page 4-18.

Comment: **Section 4.6.1**

EKCO shall revise the closure plan to include a more specific schedule. The schedule must show all critical dates for closure, including but not limited to waste removal, stabilization, sampling, soil removal, critical points where the independent engineer or his representative will be present, independent engineer's certification, backfilling and other related activities.

Response: Figure 4-6 has been revised to show all critical points in the schedule. Subsection 4.6.1 has also been revised to indicate the effect that weather and operational difficulties may have on the schedule. WESTON also contacted the Stark County Soil and Water Conservation Service to obtain the local recommendations for cover material after the clean fill is in place. The county representative visited the site and will submit a list of plant material that can be used to revegetate the work area. As usual, OEPA will be informed of any changes in the schedule as they occur. These schedule changes are presented on page 4-29.

Comment: **Section 4.8.4**

EKCO shall modify the closure plan to read, "Following final closure of the surface impoundment, the facility will operate as a large quantity generator."

Response: The closure plan has been revised to read, "Following final closure of the surface impoundment, the facility will operate as a large quantity generator and will no longer be a TSD facility." The revision is presented on page 4-33.

1 day the material is sufficiently cured to support heavy equipment. This process is not affected by weather with the exception of subfreezing temperatures.

STC presented the option of treating the lagoon sludge and soils in cement mixing trucks. With STC's technology a wet, concrete-like slurry is formed. The treated waste would pass TCLP by the end of mixing. If cement mixing trucks were used, a processing rate of 80 yd^3 per truck per day could be reached.

The WES treatment process produces a clay-like soil material that will meet TCLP requirements after curing for 3 days. WES recommended their Harmon HSS™ stabilization system. The HSS™ is a dozer-mounted high energy mixing system that uses a 265-horsepower engine to drive two front-mounted mixers. With this system 400 yd^3 daily of waste can be stabilized per day.

The detailed results of this stabilization study are contained in WESTON's June 1990 report, *Evaluation of Stabilization Processes for Closure of the Surface Impoundment at the EKCO Housewares, Inc. Massillon, Ohio, Facility.* The stabilization process that will be used is based on Enreco's soil stabilization technology.

4.4.1.2 Stabilization Chemistry

The sludge in the EKCO lagoon is a classified as a D006 waste. Stabilization treatability studies have indicated that mixing the waste with a stabilization reagent (portland cement) mix ratio of 15% by weight will result in a stabilized waste meeting project objectives (< 1.0 ppm, TCLP-Cd). Portland cement contains 62% calcium oxide with the remainder being composed of silicon, aluminum, ferric, magnesium, and sulfur oxides.

Two actions in the stabilization process serve to reduce the leachability of the cadmium. The stabilization process includes a reaction involving the portland cement, cadmium, and water. Calcium oxide present in the portland cement reacts with available cadmium and

water to produce calcium hydroxide and cadmium hydroxide, an insoluble salt in alkaline conditions. This reaction is presented below:

$$CaO + Cd^{+2} + H_2O \rightarrow Cd(OH)_2 + Ca^{+2}$$

The addition of portland cement increases the pH of the waste material, which reduces the solubility of cadmium hydroxide. The introduction of portland cement further reduces the mobility of cadmium through a microencapsulation process in which the cadmium is bound into a cement matrix.

4.4.1.3 On-Site Stabilization

Stabilization of sludges and subsoils will be performed to render all waste materials nonhazardous prior to off-site disposal. Soils and sludges will not be removed from the footprint of the lagoon until sampling results indicate that the material is not hazardous waste.

The closure activities will begin with mobilization of all personnel and equipment. Following mobilization, support facilities, including a trailer for project administration and one for QA/QC activities, will be sited. All portions of the fence surrounding the lagoon, necessary to permit equipment access, will be removed. In addition, any small trees and brush material will be removed. The vegetation will be grubbed using a bulldozer and removed for off-site disposal. All roots, however, will be treated during stabilization. As part of site preparation, all existing influent and drainage pipes will be removed from the lagoon. No wells will be removed as part of site preparation.

During all site activities, organic vapor levels in the work area will be monitored with a portable photo ionization detector (HNu). If an instrument response of 5 ppm is registered, work activities will cease. Work activities will not commence until an instrument response reading of 1 ppm or less is registered for 10 minutes.

After the site has been prepared, Enreco will begin stabilizing the waste with the Enreco Soil Stabilizer. The Enreco Soil Stabilizer is used to incorporate reagents with contaminated soils at a very shallow depth. The system allows for the stabilization of material in lifts as deep as 18 inches.

The reagent, portland cement, can either be applied to the surface of the waste using a loader or can be blown directly into the mixing chamber of the soil stabilizer. Once the reagent is distributed onto the surface of the waste, the Soil Stabilizer mixes and blends the reagent and waste in parallel strips approximately 10 ft wide. As the Soil Stabilizer passes over the reagent-covered, contaminated soil, the tilling blades cut the ground and pull the reagent and soil into the mixing chamber, where they are thoroughly blended together. The strips of processed waste are readily recognizable from adjacent areas by physical appearance (texture and color). The Soil Stabilizer overlaps its previous pass by 6 to 12 inches to ensure proper mixing.

Enreco will stabilize the lagoon following the approximate east-west pattern shown in Figure 4-1.

After reagents have been applied and homogeneously mixed into the waste, Enreco will use a bulldozer to remove the upper 15 inches of the stabilized lift. The bulldozer will move the treated material to the southwestern end of the lagoon where the material will be stockpiled on the lagoon sidewall prior to sampling. Stabilization of the next lift will then proceed. Stabilization and removal will occur until 4 ft of soil has been excavated. Each lift will be placed in a separate stockpile. This will ensure that no hazardous waste is removed from the lagoon, and that the surface of the lagoon is always clean.

After treatment of hazardous waste is completed, 3 days are needed to allow the material time to cure sufficiently to be rendered nonhazardous. Once the material is stabilized, TCLP testing will be performed before removing the stockpiled sludge to confirm that the stabilized material is nonhazardous. Sampling requirements are presented in Subsection 4.4.1.4.1. The stabilized material will then be removed and sent off-site to the selected solid waste disposal facility.

Following removal of the stabilized material and confirmation that it is non-hazardous, soil sampling will be performed to either confirm that the remaining soil is nonhazardous and may be removed without stabilization, or to indicate that the soil is hazardous and further stabilization is required. If further stabilization is required, the material will be regraded onto the lagoon surface and treated as before. Sampling and analyses of soil samples collected during this phase will be as discussed in Subsection 4.4.1.4.2.

Once all hazardous waste is removed from the base of the lagoon and has been verified as non-hazardous, excavation (without stabilization) will proceed to remove all soil to a total depth of 8 ft. Soil excavated during this phase will be stockpiled against the sidewall within the footprint of the lagoon at the southwestern end for transport to the selected solid waste facility.

Following excavation of the soil, confirmatory sampling of the base and sidewalls can occur. The requirements for confirmatory sampling are detailed in Subsection 4.4.1.4.3. Confirmatory sampling will be performed to determine the limits of the excavation.

After the results of the confirmatory samples indicating that the soil samples meet the clean closure objectives are received and approved, backfill operations can begin. The backfill material to be used will be sampled and analyzed as discussed in Subsection 4.4.1.4.4. Backfill will be extended to final grades that will provide for positive drainage of surface water. The grading plan is shown in Figure 4-2. The fill material will be placed in 6 to 9-inch lifts. Each lift will be compacted to 85% Standard Proctor density and scarified before the next lift is placed.

Topsoil will be placed over the compacted fill and the area revegetated with crown vetch or equivalent.

After the vegetative cover is installed, equipment and personnel will be demobilized.

- A statement indicating that all employees who will or may take part in site operations during the closure activities are enrolled with a medical monitoring program that complies with OSHA.

- A statement indicating that the subcontractor will provide protective equipment for its own employees, and that the equipment is NIOSH/OSHA-approved.

4.5.2 Sample Collection Procedures

Independent of the type of sample to be collected, certain sample collection procedures will be required. Stainless steel scoops will be used for the collection of samples. Documentation of sample collection will be maintained in a bound logbook. For each sample, an accurate description of the sample type, location, identification and characteristics will be recorded. The date, time, and the name of the individual collecting the sample will be noted in the logbook.

Following sample collection, sample information will be recorded on the label applied to the laboratory certified clean bottle and on the chain of custody form (see Subsection 4.5.3). This form will accompany the samples to the laboratory and provides documentation of sample custody. Chain-of-custody seals will be placed on each sample container as well as the shipping container to provide documentation that the samples remained unopened during shipment.

Samples will be shipped in such a manner as to maintain their integrity. Samples will be packed in the shipping container with packing material, such as vermiculite, to minimize breakage. Ice will be placed in the shipping container per EPA protocol.

Following sample collection, equipment used for sampling will be decontaminated unless designed for a single use. The goal of decontaminating sampling equipment is to prevent the cross-contamination of materials at one location with materials from another. Outer gloves (latex) worn by sampling personnel will be removed and discarded between samples to minimize the potential for cross contamination of samples by contact with the gloves.

If possible, the closure activities will be scheduled during a period when the water table is expected to be low. This usually occurs between July and October in response to low rainfall during the summer. This period also correlates to climatic conditions (i.e., low rainfall) that are favorable for the earthwork involved in the stabilization process and cover system. The schedule is presented in Figure 4-6. This schedule is based on favorable weather conditions. Field activities are scheduled to be completed within 60 days. Inclement weather or operational difficulties may impact the schedule. OEPA will be informed of any changes in the schedule.

4.6.2 Time Allowed for Closure

The time allowed to implement closure specified in OAC 3745-66-13 is 180 days after approval of the Closure Plan. Depending on the date of OEPA's approval of the closure plan, a request for an extension of the time allowed for closure may be necessary. This extension is warranted to avoid construction during the winter. This request will be submitted based on the date of OEPA's approval of the closure plan or may be granted by OEPA as part of the approval process.

4.7 CLOSURE COST ESTIMATES

This subsection presents the estimated costs for closure of the EKCO facilities lagoon in accordance with the requirements of OAC 3745-66-20. The closure cost estimate presented in Table 4-5 is based on the following major assumptions:

- Clearing and grubbing of 2 acres and removing fence.
- In-situ stabilization of material.
- Excavation of stabilized material.
- Importing backfill and regrading remaining berm.
- Transportation and final disposal of stabilized material at solid waste facilities.

The estimate is based on standard construction cost estimating techniques and consultations with third party vendors of specific material and services.

The total estimated cost of closure is $1,363,600 in 1992 dollars.

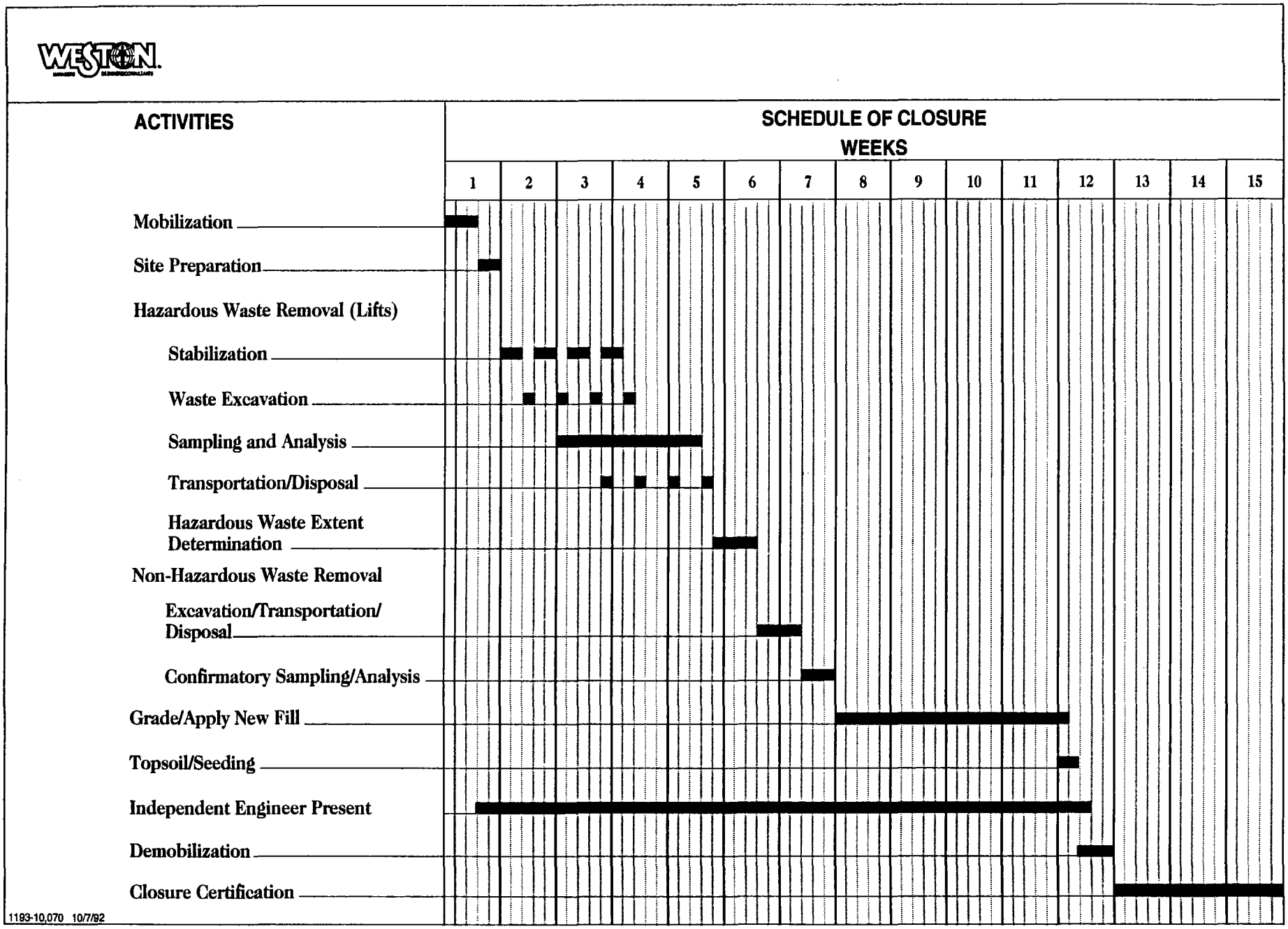


FIGURE 4-6 AMERICAN HOME PRODUCTS, EKCO HOUSEWARES, INC. SCHEDULE OF LAGOON CLOSURE

4.8 CERTIFICATION

4.8.1 Purpose and Scope

This subsection addresses the requirements of OAC 3745-66-15 regarding certification of closure.

4.8.2 Approach

Within 60 days of completion of closure for the EKCO lagoon (surface impoundment), a certification of closure, prepared by an independent registered professional engineer and by EKCO Housewares Inc., will be sent to OEPA via registered mail indicating that the lagoon has been closed in accordance with the specifications in this closure plan.

The independent engineer or representative will be present during all activities related to the closure of the lagoon. The independent engineer will be responsible for review of the data for certification of the closure.

The following information will be maintained as part of closure documentation:

- Approved closure plan.
- Date that closure activities begin.
- Contractors performing closure activities, including name, address, telephone number, and scope.
- Copies of manifests for all wastes removed during closure.
- Total volume of waste removed.
- Documentation of any deviation from the closure plan including any letters from OEPA approving changes to the plan.
- Daily inspection or field summary reports documenting closure events.
- Field notes of inspections, decontamination, and sample collection.

- Chain-of-custody records and analytical results for all samples collected during closure.
- Details of sampling and analysis methods.
- Laboratory records.
- Engineering drawings for all excavations.
- Confirmation sampling results showing that clean standards were met.

Any documentation supporting the independent registered professional engineer's certification will be furnished to OEPA or the EPA Regional Administrator upon request.

4.8.3 Certification Letter

When closure is completed, a certification letter will be submitted to OEPA indicating the fulfillment of requirements of OAC 3745-66-15. A copy of the form is shown in Figure 4-7.

4.8.4 Status of the Facility after Closure

Following final closure of the surface impoundment, the facility will operate as a large quantity generator and will no longer be a TSD facility. This closure will be complete.

WESTON®
MANAGERS DESIGNERS/CONSULTANTS
1 WESTON WAY
WEST CHESTER, PA 19380-1499
PHONE: 215-692-3030
FAX: 215-430-3186

27 August 1992

Mr. Paul L. Vandermeer
Division of Solid and Hazardous
Waste Management
Ohio Environmental Protection Agency
1800 Water Mark Drive
P.O. Box 1049
Columbus, OH 43266-0419

W.O. #2994-02-03

Re: Appendix K, RCRA Lagoon Closure Plan
EKCO Housewares, Massillon, OH

Dear Mr. Vandermeer:

During a conversation with Karen Nesbit of the OEPA Northeast Regional Office this week, she requested that a copy of the June 1990 report, "Evaluation of Stabilization Processes" be sent to you to be included as Appendix K for the EKCO Housewares Lagoon Closure Plan. Enclosed is a copy of the report. It should be included as part of the RCRA closure plan submitted under separate cover to OEPA on 23 July 1992.

If there are any questions, please contact me at (215) 344-3643 or Mr. Greg Belardo at (212) 878-5623.

Very truly yours,

ROY F. WESTON, INC.

Harold G. Byer

Harold G. Byer
Principal Project Manager

HGB/kop

Enclosure

cc: M.N. Bhatla
G. Belardo
R. Zollner
K. Nesbit - OEPA
S. Schuyler
S. Averill - U.S. EPA

WESTON
MANAGERS DESIGNERS/CONSULTANTS
1 WESTON WAY
WEST CHESTER, PA 19380-1499
PHONE: 215-692-3030
®FAX: 215-430-3186

23 July 1992

Mr. Retanio Aj Rucker
Assistant Attorney General
State Office Tower
30 East Broad Street
Columbus, OH 43266-0410

W.O. #2994-02-03

Re: EKCO Housewares, Inc., Case No. 89-HW-008
Comprise/Settlement Negotiations

Dear Mr. Rucker:

At the direction of American Home Products Corporation (AHPC), enclosed is the response to the Ohio Environmental Protection Agency's (OEPA) comments on the Closure Plan for the EKCO Housewares lagoon. This submittal is pursuant to the OEPA letter dated 25 June 1992 to Steve Oster, Esq.

If there are any questions, please contact Mr. Steve Oster at (202) 429-4755 or Mr. H.G. Byer at (215) 344-3643.

Very truly yours,

ROY F. WESTON, INC.

Harold G. Byer

Harold G. Byer
Principal Project Manager

HGB/kop

Enclosure

cc: M.N. Bhatla
R. Zollner
G. Belardo
G. Moss
S. Oster
P. Vandermeer (OEPA)
K. Nesbitt (OEPA)
P. Tag

1. Page 1-1 of the draft closure plan states that "the Ohio EPA disapproved the original closure plan in May 1991." This is not the correct date. Ohio EPA originally disapproved the August 1988 closure plan submittal in February 1989.

   In addition, Ekco shall revise the closure plan to include a clear statement as to the status of the hazardous waste facility after closure is completed.

   Response: The date has been changed to February 1989. American Home Products Corporation (AHPC) and Roy F. Weston, Inc. (WESTON) have added Subsection 4.8.4 in response to the second part of Comment 1. This statement indicates that the facility will be a less-than-90-day-generator.

2. Ekco shall revise the closure plan to include scale and north arrows on Figures 2-3 and 2-5. Figure 2-4 shall be redrawn so that it is legible and include the scale and north arrow. Ekco shall revise Figure 2-6 to include a horizontal scale to indicate vertical exaggeration.

   Response: All figures have been updated to address OEPA's concerns. Figure 2-4 has been redrawn to improve its legibility.

Section 2.1.3 Lagoon Surface Impoundment

3. Ekco shall revise the closure plan to include a complete, detailed list of hazardous wastes (chemical name and EPA hazardous waste number) disposed of in the unit. The plan shall also be revised to include the maximum volume of waste stored in the unit.

   Response: In Subsection 2.1.3 AHPC and WESTON have included the identification and volume of the wastes placed in the lagoon. The lagoon has been classified as a hazardous waste impoundment based on the presence of characteristic hazardous waste (D006 - cadmium). The lagoon contains approximately 20,150 ft^3 of waste.

Section 2.1.3.1 Construction

4. Ekco shall revise the closure plan to include detailed drawings and descriptions of the original construction details of the surface impoundment. Figure 2-4, showing some of the design specifications is illegible due to poor copy quality.

   Response: Figure 2-4 was not illegible due to copy quality but due to the condition of the original drawing, which was a 37-yr-old print. AHPC and WESTON have redrawn Figure 2-4. No other construction details of the lagoon are available due to its age and lack of existing plans and specifications.

Section 2.4.2 Local Geology

5. Ekco shall revise the closure plan to correct apparent inconsistencies in the cross sections (Figures 2-8 and 2-9). Specifically, well R-4 is inconsistent between the two cross sections.

Response: All inconsistencies between Figures 2-8 and 2-9 have been resolved and are included in the revised plan.

Section 3.4.3.1 Sludge/Subsurface Soil

6. Ekco shall revise the closure plan to include a fence diagram of the surface impoundment to demonstrate the interconnections of different stratigraphic units.

Response: AHPC and WESTON have completed a fence diagram and have included it in the revised plan as Figure 3-8.

4.4 Method of Closure

7. Ekco shall revise the closure plan to discuss in detail the stabilization process that will be used at the facility to clean close the surface impoundment. This will also include specific methods for: 1) Removal of wastes and contaminated media (including type of equipment and removal protocol) from areas to be clean closed; 2) The management of the waste and contaminated material before, during and after stabilization; 3) Transportation of waste; and 4) Any other storage, treatment and disposal operations to be used.

Response: AHPC and WESTON have revised Subsection 4.4 to present the stabilization process based on the selected vendor technology, supplied by Enreco, a Ohio-based company.

4.4.1.2 On-Site Stabilization

8. Ekco shall revise the closure plan to include the specifics of the treatment design that is selected (e.g., the chemical and physical reactions supposed to take place during treatment, equipment set up and movement at the site, etc.).

Response: Subsection 4.4.1.2 has been retitled Stabilization Chemistry and Enreco has provided information on the chemistry that has been included in this subsection.

4.4.1.3.1 Verification of Treatment

9. If stabilization is completed in-situ, Ekco shall include the locations of the nine

borings into the lagoon material. If the stabilization process chosen is ex-situ, Ekco shall revise the closure plan to include an alternate method to verify treatment.

Response: Subsection 4.4.1.3.1 has been rewritten to agree with the verification methodology presented by the selected vendor. The stabilization process will be performed in-situ in approximately 18-inch lifts. The treated lift will be staged along the western edge of the lagoon. Every 500 cubic yards of treated material will be sampled to confirm successful treatment.

4.4.1.3.2 Verification of Horizontal Extent

10. Ekco shall revise the closure plan to include confirmation samples to be taken both horizontally and vertically to verify that all contaminated material has been removed. This revision shall also include: 1) The number and locations of samples; 2) Sample type; 3) Sampling method and equipment; 4) Analytical method for testing; and 5) Quality assurance/quality control for field methods.

Response: AHPC and WESTON have revised the closure plan to include both vertical and horizontal confirmation sampling. A figure has been prepared to indicate the location of the verification samples. Sampling methods were previously included in the closure plan but have been revised as necessary. QA/QC was provided but has been revised, based on discussions with ENRECO.

11. The plan shall also be revised to state a clean level for all contamination in the soil. This level shall either be calculated through background sampling of areas unaffected by the RCRA unit or any other concentrated waste activities or by the use of Ohio Farm Soil Data. The determination of clean should be based on total constituent analyses (rather than TCLP) for all contaminants of concern (i.e., lead, chromium, and cadmium).

Response: AHPC and WESTON have developed clean levels for cadmium, chromium, and lead, based on background sampling. Background will be based on the metals data collected from the fill soil at the facility. Clean closure levels will be:

- **Cadmium: 3.7 mg/kg**
- **Chromium: 91.0 mg/kg**
- **Lead: 700.0 mg/kg**

These levels are based on a lognormal distribution of metals in the fill at the facility. The results are presented in subsection 3.6.

4.5.1 Health and Safety Plans

12. Ekco shall revise the closure plan to include a Personnel Safety and Fire Prevention

section which meets all of the requirements of the Ohio EPA's May, 1991 "Closure Plan Review Guidance" section 3.9, pages 23-24.

Response: A health and safety plan is included in the appendices that will meet the requirements presented in the guidance.

4.5.2 General

13. Ekco shall revise the closure plan to clarify the following statement: "Following sample collection, equipment used for sampling will be decontaminated when designed for a single use." In addition, Ekco shall provide details for equipment decontamination procedures and the locations where decontamination will take place. Ekco shall also note the locations of the exclusion zone, contamination reduction zone, and support zone on a map.

Response: The statement has been revised to read "Following sample collection, equipment used for sampling will be decontaminated unless designed for a single use." The plan has been revised to include information regarding decontamination procedures. A figure showing the exclusion zone, contamination zone, and support zone has been included.

14. Ekco shall revise the closure plan to correct the last sentence in paragraph 4 of this section to read "will be sampled and analyzed to determine disposal." (bold type corrected word).

Response: AHPC and WESTON have changed the text to read "will be sampled and analyzed to determine disposal."

4.5.5 Quality Assurance and Quality Control

15. Ekco shall revise the closure plan to include a schedule for closure which is not date specific. This schedule shall also include sampling and the times when the independent engineer or his representative will be present.

Ekco shall also revise the closure plan to indicate that the Ohio EPA-Northeast District Office inspector will be notified at least five (5) business days prior to critical events such as stabilization, excavation, sampling and backfilling.

Response: AHPC and WESTON have revised the schedule to not be date specific. The schedule has also been revised to indicate that the independent engineer or representative will be present during all activities related to closure of the lagoon. The closure plan has been revised to indicate that OEPA-NEDO would be contacted at least five days prior to critical events.

4.6 Certification (New section is 4.8)

16. Ekco shall revise the closure certification to also include: 1) the approved closure plan or references to the approved plan; 2) the total volume of waste removed; 3) all correspondence regarding closure activity after the Ohio EPA approval; 4) details of sampling and analysis methods; 5) laboratory records; and 6) confirmation sampling results showing that the clean standards were met.

Response: AHPC and WESTON have added all requirements requested by OEPA for the closure certification.

GENERAL

17. Page 4-10 states that "borrow material to be used for fill will be composited and sampled for acceptance." Ekco Housewares should specify whether this sample will be collected from site-derived backfill, imported backfill or a composite of both types of fill. It may be preferable to collect two (2) composite samples, one from each source area, especially if there is a chance that fill material derived from regrading of the existing berm may prove to be hazardous.

Response: AHPC and WESTON have revised the closure plan to require that each separate source of fill will be separately analyzed.

GROUNDWATER MONITORING

18. Page 3-13 states that the "... potential migration of hazardous waste constituents into groundwater beneath the lagoon is being addressed separately in the groundwater beneath the lagoon is being addressed separately in the groundwater quality assessment, as part of the RFI/CMS for this site. It is intended to execute clean closure of the lagoon and remove it as a source area." The groundwater quality assessment program for the lagoon must be implemented and maintained in accordance with rules 3745-65-90 through 3745-65-94 of the OAC until final closure is completed. In order to meet the closure performance standard of rule 3745-66-11 of the OAC, Ekco must demonstrate that the groundwater has not been impacted by heavy metal contamination. This program must be described in and implemented under the closure plan. Ekco shall include this information in the closure plan.

Response: Page 3-13 has been revised to present the groundwater quality monitoring program that is in place. Results of the CME are included as an appendix. The metals results from the L-wells have been included in the closure plan; these indicate that metals from the lagoon have not impacted the groundwater

19. Figures 3-8, 3-9 and 3-10 contain contour lines which may be mislabeled. Contour line 920 should not be located between lines 930 and 925. Ekco shall reevaluate and

correct each of the affected figures.

Response: AHPC and WESTON have revised these figures.

20. Page 4-4 states that "groundwater monitoring and remediation activities, if necessary, will be covered under the RFI/CMS process." See comment 18 above.

Response: The closure plan has been revised to indicate that the groundwater quality assessment program will continue until final closure has been achieved.

21. Page 4-8 states that "to confirm successful treatment of the lagoon material, nine borings will be advanced...in the following intervals: 0-2 ft., 2-4 ft., 4-6 ft., and at the groundwater interface." Page 4-4 states that the maximum effective depth of stabilization, for the hydroinjection method, is 12 feet. A review of elevation data indicates that is possible for the depth to groundwater to exceed 12 feet below the ground surface. Ekco shall explain in detail how they will define the limits of successful stabilization, especially if the depth to groundwater exceeds the maximum effective depth of stabilization.

Response: The treatment approach has been changed such that this comment is no longer applicable. The depth of treatment will be determined based on the final clean action levels and the data available on the depth of contamination. Soil samples will be collected to determine vertical extent for clean closure. It is estimated that the depth of the excavation will be 8 to 10 feet based on available boring data and that the groundwater is deeper than the bottom of the excavation.

22. The draft closure plan does not specify whether any existing wells will need to be removed to facilitate lagoon remediation. Any wells removed should be properly sealed and abandoned. Procedures for abandonment shall be included in the revised closure plan.

Response: The closure plan has been revised to indicate that it is not planned to abandon any wells but if the need to abandon wells does develop during the remediation the abandonment procedure presented in the closure plan will be followed.

WILLKIE FARR & GALLAGHER

Washington, DC
New York
London
Paris

December 27, 1991

Retanio Aj Rucker, Esquire
Assistant Attorney General
State of Ohio
State Office Tower
30 East Broad Street
Columbus, Ohio 43266-0410

Re: Ekco Housewares, Inc.
Massillon, Ohio

Dear Retanio:

Enclosed please find a copy of the December 6, 1991 cover letter transmitting the Draft Closure Plan for the Massillon site to Ohio EPA. As we discussed, once the plan is approved, we will revise financial and insurance requirements for the site.

Have a Happy New Year.

Very truly yours,

Steve Oster

Enclosure

cc: Geraldine A. Moss, Esquire (without enclosure)

Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20036-3384
202 328 8000

Telex: RCA 229800
WU 89-2762
Fax: 202 887 8979

WESTON
MANAGERS DESIGNERS CONSULTANTS
1 WESTON WAY
WEST CHESTER, PA 19380-1449
PHONE: 215-692-3030
FAX: 215-430-3124

6 December 1991

Mr. Paul L. Vandermeer
Ohio Environmental Protection Agency
Division of Solid & Hazardous Waste Management
1800 Water Mark Drive
Columbus, OH 43266-0149

W.O. #2994-02-03

RE: Draft Lagoon Closure Plan - EKCO Housewares, Massillon, OH

Dear Mr. Vandermeer:

At the direction of American Home Products (AHP), WESTON is submitting three (3) copies of the Draft Lagoon Closure Plan for the out-of-service impoundment at the EKCO Housewares facility in Massillon, Ohio.

This closure plan is in response to discussions between AHP and the Ohio Environmental Protection Agency (OEPA) regarding the lagoon closure methodology. As you recall, a report on the Evaluation of Stabilization Processes was submitted to OEPA in August 1990. As a result of that report, and after subsequent meetings between AHP and OEPA, a decision was made regarding the classification of the lagoon residuals as characteristic waste according to 40 CFR 261.24. The enclosed closure plan reflects the stabilization of the waste and then removal of the stabilized material to a state approved facility with eventual clean closure of the lagoon.

AHP and WESTON are available to meet with you and discuss any questions you might have about closure activities at the EKCO facility. If there are additional questions or concerns please do not hesitate to contact either Mr. Bob Zollner at (212) 878-5787 or Mr. H. G. Byer at (215) 344-3643. Thank you for your continued interest in this project.

Very truly yours,

ROY F. WESTON, INC.

Harold G. Byer, Jr.
Principal Project Manager

cc: R. Zollner
T. Shingleton
S. Averill

WESTON®
MANAGERS DESIGNERS/CONSULTANTS
1 WESTON WAY
WEST CHESTER, PA 19380-1449
PHONE: 215-692-3030
FAX: 215-430-3124

6 December 1991

Mr. Paul L. Vandermeer
Ohio Environmental Protection Agency
Division of Solid & Hazardous Waste Management
1800 Water Mark Drive
Columbus, OH 43266-0149

W.O. #2994-02-03

RE: Draft Lagoon Closure Plan - EKCO Housewares, Massillon, OH

Dear Mr. Vandermeer:

At the direction of American Home Products (AHP), WESTON is submitting three (3) copies of the Draft Lagoon Closure Plan for the out-of-service impoundment at the EKCO Housewares facility in Massillon, Ohio.

This closure plan is in response to discussions between AHP and the Ohio Environmental Protection Agency (OEPA) regarding the lagoon closure methodology. As you recall, a report on the Evaluation of Stabilization Processes was submitted to OEPA in August 1990. As a result of that report, and after subsequent meetings between AHP and OEPA, a decision was made regarding the classification of the lagoon residuals as characteristic waste according to 40 CFR 261.24. The enclosed closure plan reflects the stabilization of the waste and then removal of the stabilized material to a state approved facility with eventual clean closure of the lagoon.

AHP and WESTON are available to meet with you and discuss any questions you might have about closure activities at the EKCO facility. If there are additional questions or concerns please do not hesitate to contact either Mr. Bob Zollner at (212) 878-5787 or Mr. H. G. Byer at (215) 344-3643. Thank you for your continued interest in this project.

Very truly yours,

ROY F. WESTON, INC.

Harold G. Byer, Jr.
Principal Project Manager

cc: R. Zollner
T. Shingleton
S. Averill

OhioEPA
State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020
FAX (614) 644-2329

George V. Voinovich
Governor

December 4, 1991

Mr. Monte W. Leek
American Home Products Corporation
685 Third Avenue
New York, NY 10017

Re: Ekco Housewares Facility Closure.

Dear Mr. Leek:

Ohio EPA received a telefax transmission dated August 29, 1991 presenting the general strategy for completing closure of the hazardous waste surface impoundment located at the Ekco Housewares facility located in Massillon, Ohio. It was assumed that an official (original) copy would follow the receipt of the telefax, however, Ohio EPA never received an official copy of the letter. This caused a portion of the delay in our reply.

Ohio EPA concurs with the general strategy proposed by American Home Products to complete closure of the surface impoundment. Be advised, general concurrence must not be construed as either express or implied approval of a closure plan. Ohio EPA expects to receive an approvable closure plan, outlining the steps necessary to complete closure of the impoundment, within 60 days of the receipt of this letter. The closure plan shall fully describe all aspects of the closure, especially the in-situ stabilization of lagoon wastes and the off-site disposal options.

If you have any questions regarding this issue or other related issues, please contact me at (614) 644-2956.

Sincerely,

Paul D. Vandermeer
Environmental Specialist 2
Division of Hazardous Waste Management

cc: Karen Nesbit, Ohio EPA, NEDO
Retanio Rucker, AGO

AMERICAN HOME PRODUCTS CORPORATION

685 THIRD AVENUE
NEW YORK, N.Y. 10017
(212) 878-5000

BY TELEFAX AND U.S. MAIL

August 29, 1991

Mr. Paul Vandermeer
Ohio Environmental Protection Agency
Division of Solid and Hazardous Waste Management
P.O. Box 1049, 1800 WaterMark Drive
Columbus, OH 43266-0149

Re: Ecko Housewares
Case No. 89-HW-0008

Dear Mr. Vandermeer:

American Home Products Corporation (AHP) used the extension granted by OEPA to further investigate all feasible options for addressing the Ekco lagoon closure alternatives. This letter presents AHP's general strategy for closure of the lagoon.

AHP has studied various feasible closure alternatives:

1. Stabilization of waste materials within the lagoon with on-site disposal;
2. Stabilization of waste materials on-site but outside of the lagoon with on-site disposal in the lagoon;
3. Excavation of waste materials within the lagoon for transport to off-site hazardous waste treatment and disposal facility;
4A. Stabilization of waste materials within the lagoon with transport to off-site hazardous waste disposal facility;
4B. Stabilization of waste materials within the lagoon with transport to off-site solid waste disposal facility;
5A. Stabilization of waste materials on-site but outside the lagoon with transport to off-site hazardous waste disposal facility; and
5B. Stabilization of waste materials on-site but outside the lagoon with transport to off-site solid waste disposal facility.

After conducting an in-depth review of the above options, AHP has selected option 4B. AHP has tentatively chosen BFI - Waste System's landfill located in Massillon, Ohio to receive the stabilized waste material. AHP will consult with the Twinsburg Field Office's Solid Waste Division before making a final decision on BFI.

AHP believes Option 4B to be the most feasible and permanent of the options researched. AHP intends to fully treat and excavate the lagoon materials, thereby removing any potential source for groundwater contamination. As discussed between you, Bob Zollner and me on August 28, 1991, by completely removing the waste materials in the lagoon, AHP will likely be able to secure clean closure, and incorporate any requisite groundwater monitoring relative to the lagoon into the on-going RCRA Corrective Action.

As agreed, AHP will submit a closure plan for the lagoon within sixty (60) days following receipt of OEPA's written concurrence with the above closure strategy.

Please call me at (212) 878-6098 with your concerns or questions.

Very truly yours,

Monte W. Leek
Project Manager
Environmental Projects

cc: Harold (Butch) Byer, Weston
Geraldine Moss, Esq., AHP
Harold (Pat) J. Hintz, Jr., Ph.D, AHP
Robert Zollner, AHP

AMERICAN HOME PRODUCTS CORPORATION

685 THIRD AVENUE
NEW YORK, N.Y. 10017
(212) 878-5000

July 25, 1991

Ms. Sally Averill
U.S. Environmental Protection Agency
Region 5
230 South Dearborn St.
Chicago, IL 60604

Re: Closure Report for a 550 Gallon Underground Storage Tank (UST)
Ekco Housewares, Inc., Massillon, Ohio

Dear Ms. Averill:

Attached for your information is a copy of the closure report relative to the excavation and removal of Ekco's 550 gallon UST. As you will recall, you agreed to allow American Home Products Corporation to forgo tank tightness testing of this tank since Ekco Housewares was committed to removing it.

Please call me at (212) 878-6098 if I can be of further assistance.

Sincerely,

Monte W. Leek
Project Manager

cc: T. Shingleton, Ekco Housewares, Inc. (w/o encl.)
Harold (Butch) Byer, R.F. Weston, Inc. (w/o encl.)
R. Zollner, AHP (w/o encl.)

WILLKIE FARR & GALLAGHER

Washington, DC
New York
London
Paris

June 28, 1991

D 8788507593

FEDERAL EXPRESS

Retanio Aj Rucker, Esquire
Assistant Attorney General
State of Ohio
State Office Tower
30 East Broad Street
Columbus, Ohio 43266-0410

Re: In re Ekco Housewares, Inc.
Case No. 89-HW-0008

Dear Mr. Rucker:

This confirms that Ekco's time to submit a revised closure plan to the Agency has been extended indefinitely, pending the outcome of technical discussions to be held between representatives of Ekco and the Agency next week. Once the parties resolve certain basic issues, Ekco will request a specific period in which to submit a plan.

Very truly yours,

Steve Oster

Steve Oster

cc: Geraldine A. Moss, Esquire

Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20036-3384
202 328 8000

Telex: RCA 229800
WU 89-2762
Fax: 202 887 8979

inter-office communication

File EKCO

to: Paul Vandermeer, Closure Unit, DSHWM date: April 20, 1989

from: Michael Eggert through Jan Carlson, DGW

subject: Minimum Requirements for "Inplace" Closure for the Surface Impoundment at Ekco Housewares, Inc., Massillon, Ohio

The Division of Ground Water guidance for determining if an "inplace" closure of a RCRA land disposal unit is possible, without physical/chemical stabilization or modification of the hazardous waste, is that the facility must be able to meet the draft siting criteria for solid waste disposal facilities (see attachment). Ekco Houseware's surface impoundment (closing as a landfill) does not meet the minimum requirements of this siting criteria. Specifically, the following criteria have not been met:

1. The limits of the land disposal unit shall not be located within 200 feet of a stream, lake, or natural wetland. The surface impoundment is within 100 feet of Newman Creek; and

2. The isolation distance between the uppermost aquifer and the bottom of the recompacted soil liner of the land disposal unit shall be fifteen (15) feet of in-situ or added geologic material acceptable to the director. The uppermost aquifer (approximate elevation of 928 feet mean sea level) is located within the bottom 1 to 2 feet of the contaminated subsoil beneath the surface impoundment.

Ekco Housewares has not included information in the Closure Plan pertaining to the following siting criteria:

1. The land disposal unit shall not be located in the regulatory flood plain (100 year flood); and

2. The land disposal unit shall not be located within the surface and subsurface areas surrounding the wellhead of a public well field through which contaminants are likely to move toward and may reach the wellhead within a period of five (5) years.

All of the criteria listed in the attachment must be met to allow an "inplace" closure of a RCRA land disposal facilities without waste modification. Although Ekco Housewares have not met all of the criteria as listed in the guidance, "inplace" closure of the surface impoundment is still feasible given the following criteria are met:

1. The waste that is going to be left "inplace" must meet all physical and chemical stabilization requirements as set forth in DSHWM policy and/or guidance.

2. The facility must meet all land disposal restrictions for their specific waste(s) and the appropriate hazardous waste or solid waste minimum technology landfill liner requirements in accordance with DSHWM policy and/or guidance.

3. Provide an isolation distance between the uppermost aquifer and the bottom of the landfill liner of at least five (5) feet from the maximum fluctuations in the uppermost aquifer. The in-situ or added geologic material used to provide the isolation distance must not exceed a permeability value of 1×10^{-7} cm/sec. The historic high water table elevation (uppermost aquifer in this specific case) shall be considered to be the 100 year flood plain topographic elevation on Newman Creek. Ekco Housewares has documented the interconnection from Newman Creek to that of the sandstone unit where the facility's pumping/recovery wells are located.

MLE/

Attachment

cc: Tom Allen, Assistant Chief, DGW
Tim Krichbaum, DGW
Chris Khourey, DGW-NEDO
Debbie Berg/Susan McCauslin, DSHWM-NEDO
Sally Averill, USEPA, Region V, RCRA Enforcement Section
Bob Swale, USEPA, Region V, RCRA Closure Section

DRAFT

3745-27-07 CRITERIA FOR APPROVAL OF SOLID WASTE DISPOSAL FACILITY PERMIT TO INSTALL APPLICATIONS.

(A) THE DIRECTOR SHALL NOT APPROVE ANY PERMIT TO INSTALL APPLICATION FOR A SOLID WASTE DISPOSAL FACILITY UNLESS HE DETERMINES THAT:

(1) THE DESIGN AND CONSTRUCTION OF THE SOLID WASTE DISPOSAL FACILITY INCORPORATES APPROPRIATE BEST AVAILABLE TECHNOLOGY; AND

(2) ESTABLISHMENT OR MODIFICATION AND OPERATION OF THE SOLID WASTE DISPOSAL FACILITY WILL NOT VIOLATE CHAPTERS 3704 OR 6111 OF THE REVISED CODE; AND

(3) THE SOLID WASTE DISPOSAL FACILITY WILL BE CAPABLE OF BEING CONSTRUCTED, OPERATED, CLOSED, AND CARED FOR DURING THE POST-CLOSURE CARE PERIOD IN ACCORDANCE WITH CHAPTER 3745-27 OF THE ADMINISTRATIVE CODE, WITH THE TERMS AND CONDITIONS OF THE PERMIT; AND

(4) THE SOLID WASTE DISPOSAL FACILITY IS NOT LOCATED IN THE REGULATORY FLOODPLAIN; AND

(5) THE APPLICANT AND/OR PERSON LISTED AS OPERATOR WHO HAS PREVIOUSLY OR IS CURRENTLY RESPONSIBLE FOR THE MANAGEMENT OR OPERATION OF ONE OR MORE SOLID WASTE FACILITIES HAS MANAGED OR OPERATED SUCH FACILITY IN SUBSTANTIVE COMPLIANCE WITH APPLICABLE PROVISIONS OF CHAPTERS 3734, 6111, 3704 OF THE REVISED CODE, AND ANY RULES AND PERMITS ISSUED THEREUNDER, AND HAS MAINTAINED SUBSTANTIVE COMPLIANCE WITH ALL APPLICABLE ORDERS ISSUED BY THE DIRECTOR OR ENVIRONMENTAL BOARD OF REVIEW, OR COURTS HAVING JURISDICTION IN ACCORDANCE WITH CHAPTER 3746-13 OF THE ADMINISTRATIVE CODE, IN THE COURSE OF SUCH PREVIOUS OR CURRENT MANAGEMENT OR OPERATIONS. THE DIRECTOR MAY TAKE INTO CONSIDERATION WHETHER SUBSTANTIVE COMPLIANCE HAS BEEN MAINTAINED WITH ANY APPLICABLE ORDER OF A BOARD OF HEALTH MAINTAINING A PROGRAM ON THE APPROVED LIST AND ANY OTHER COURTS HAVE JURISDICTION; AND

(6) THE PERSON LISTED AS OPERATOR MEETS THE REQUIREMENTS OF DIVISION (L) OF SECTION 3734.02 OF THE REVISED CODE AND RULES ADOPTED THEREUNDER; AND

(7) THE APPLICANT MEETS THE REQUIREMENTS OF SECTIONS 3734.40 THROUGH 3734.43 OF THE REVISED CODE AND RULES ADOPTED THEREUNDER; AND

(8) THE APPLICANT HAS THE CAPABILITY AND THE AUTHORITY TO MAKE DECISIONS REGARDING THE OPERATION AND MAINTENANCE OF THE SOLID WASTE DISPOSAL FACILITY.

(B) THE DIRECTOR SHALL NOT APPROVE ANY PERMIT TO INSTALL APPLICATION FOR A SANITARY LANDFILL FACILITY UNLESS HE DETERMINES THAT:

(1) THE SANITARY LANDFILL FACILITY IS NOT LOCATED IN A SAND OR GRAVEL PIT; AND

(2) THE SANITARY LANDFILL FACILITY IS NOT LOCATED IN A LIMESTONE OR SANDSTONE QUARRY; AND

(3) THE SANITARY LANDFILL FACILITY IS NOT LOCATED IN A NATIONAL PARK OR RECREATION AREA, CANDIDATE AREA FOR POTENTIAL INCLUSION IN THE NATIONAL PARK SYSTEM, STATE PARK OR ESTABLISHED STATE PARK PURCHASE AREA OR ON ANY PROPERTY THAT LIES WITHIN THE BOUNDARIES OF THE NATIONAL PARK OR RECREATION AREA BUT THAT HAS NOT BEEN ACQUIRED OR IS NOT ADMINISTERED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, UNLESS THE SANITARY LANDFILL FACILITY EXCLUSIVELY MANAGES WASTES GENERATED WITHIN THE PARK OR RECREATION AREA; AND

(4) THE SANITARY LANDFILL FACILITY IS NOT LOCATED IN A GEOLOGICALLY UNSTABLE AREA WHICH INCLUDES:

(A) WHERE ON-SITE OR LOCAL SOIL CONDITIONS MAY RESULT IN SIGNIFICANT DIFFERENTIAL SETTLING; OR
(B) WHERE THE DOWNSLOPE MOVEMENT OF SOIL OR ROCK UNDER GRAVITATIONAL INFLUENCE OCCURS; OR
(C) WHERE THE LOWERING OR COLLAPSE OF THE LAND SURFACE OCCURS EITHER LOCALLY OR OVER BROAD REGIONAL AREAS.

(5) THE SANITARY LANDFILL FACILITY IS NOT LOCATED WITHIN THE SURFACE AND SUBSURFACE AREAS SURROUNDING THE WELLHEAD OF A PUBLIC WELL FIELD THROUGH WHICH CONTAMINANTS ARE LIKELY TO MOVE TOWARD AND MAY REACH THE WELLHEAD WITHIN A PERIOD OF FIVE YEARS; AND

(6) THE SANITARY LANDFILL FACILITY IS NOT LOCATED ABOVE A FEDERALLY DECLARED SOLE SOURCE AQUIFER; AND

(7) THE SANITARY LANDFILL FACILITY IS NOT LOCATED WITHIN 200 FEET OF A FAULT THAT HAS HAD DISPLACEMENT IN HOLOCENE TIME, WHERE:

(A) FAULT MEANS A FRACTURE ALONG WHICH STRATA ON ONE SIDE HAVE BEEN DISPLACED WITH RESPECT TO THAT ON THE OTHER SIDE; AND
(B) DISPLACEMENT MEANS THE RELATIVE MOVEMENT OF ANY TWO SIDES OF A FAULT MEASURED IN ANY DIRECTION; AND
(C) HOLOCENE MEANS THE MOST RECENT EPOCH OF THE QUARTERNARY PERIOD EXTENDING FROM THE END OF THE PLEISTOCENE TO THE PRESENT.

(8) THE SANITARY LANDFILL FACILITY IS NOT LOCATED ABOVE AN UNDERGROUND MINE;

(10) THE SANITARY LANDFILL FACILITY IS NOT LOCATED ABOVE AN UNCONSOLIDATED AQUIFER CAPABLE OF YIELDING 100 GALLONS PER MINUTE TO A WELL WITHIN 1000 FEET OF THE LIMITS OF SOLID WASTE PLACEMENT; AND

(11) THE LIMITS OF SOLID WASTE PLACEMENT ARE NOT LOCATED WITHIN 1000 FEET OF A WATER WELL OR A DEVELOPED SPRING IN EXISTENCE ON THE DATE THE PERMIT TO INSTALL APPLICATION WAS RECEIVED BY THE OHIO EPA UNLESS EITHER OF THE FOLLOWING CONDITIONS ARE MET:

(A) THE WELLS ARE CONTROLLED BY THE APPLICANT; AND

(I) THE WELLS ARE NEEDED AS A SOURCE OF NON-POTABLE WATER IN ORDER TO MEET THE REQUIREMENTS OF THE APPROVED PERMIT; AND

(II) NO OTHER REASONABLE ALTERNATE WATER SOURCE IS AVAILABLE; AND

(III) THE WELLS ARE CONSTRUCTED TO PREVENT CONTAMINATION OF THE GROUND WATER; OR

(B) THE WELLS ARE AT LEAST 500 FEET HYDROGEOLOGICALLY UPGRADENT OF THE LIMITS OF SOLID WASTE PLACEMENT

(12) THE LIMITS OF SOLID WASTE PLACEMENT FOR NEW FACILITIES AND LATERAL EXPANSIONS ARE NOT LOCATED WITHIN 300 FEET OF THE PROPERTY LINE AND 1000 FEET OF A RESIDENCE IN EXISTENCE ON THE DATE THE PERMIT TO INSTALL APPLICATION WAS RECEIVED BY THE OHIO EPA; AND

(13) THE LIMITS OF SOLID WASTE PLACEMENT ARE NOT LOCATED WITHIN 200 FEET OF A STREAM, LAKE, OR NATURAL WETLAND; AND

(14) (A) THE RECOMPACTED SOIL LINER OF A SANITARY LANDFILL FACILITY, UNLESS THE EXCEPTION IN PARAGRAPH (B)(14)(B) OF THIS RULE APPLIES, SHALL BE SIX FEET THICK. THE DIRECTOR MAY APROVE AN ALTERNATE THICKNESS, TO BE NO LESS THAN THREE FEET BASED ON SITE CHARACTERISTICS AND GROUND WATER FLOW MODELS ACCEPTABLE TO THE DIRECTOR; OR

(B) THE RECOMPACTED SOIL LINER OF A SANITARY LANDFILL FACILITY, EXCLUSIVELY DISPOSING OF SOLID WASTES THAT ARE GENERATED FROM THE COMBUSTION OF COAL THAT IS NOT COMBINED IN ANY WAY WITH OTHER SOLID WASTES AT ONE OR MORE PREMISES OWNED BY THE GENERATOR, SHALL BE THREE (3) FEET THICK. THE DIRECTOR MAY APPROVE AN ALTERNATE THICKNESS, TO BE NO LESS THAN (1½) FEET BASED ON SITE CHARACTERISTICS AND GROUND WATER FLOW MODELS ACCEPTABLE TO THE DIRECTOR; AND

(15) (A) THE ISOLATION DISTANCE BETWEEN THE UPPERMOST AQUIFER AND THE BOTTOM OF THE RECOMPACTED SOIL LINER OF A SANITARY LANDFILL FACILITY, UNLESS THE EXCEPTION IN PARAGRAPH (B)(15)(B) OF THIS RULE APPLIES, SHALL BE FIFTEEN FEET OF IN-SITU OR ADDED GEOLOGIC MATERIAL ACCEPTABLE TO THE DIRECTOR; AND

(B) THE ISOLATION DISTANCE BETWEEN THE UPPERMOST AQUIFER AND THE BOTTOM OF THE RECOMPACTED SOIL LINER OF A SANITARY LANDFILL FACILITY, EXCLUSIVELY DISPOSING OF SOLID WASTES THAT ARE GENERATED FROM THE COMBUSTION OF COAL THAT IS NOT COMBINED IN ANY WAY WITH OTHER SOLID WASTES AT ONE OR MORE PREMISES OWNED BY THE GENERATOR, SHALL BE FIVE FEET OF IN-SITU OR ADDED GEOLOGIC MATERIAL ACCEPTABLE TO THE DIRECTOR; AND

(16) IF THE LIMITS OF SOLID WASTE PLACEMENT ARE WITHIN 10,000 FEET OF AN AIRPORT SERVING TURBINE-POWERED AIRCRAFT OR WITHIN 5,000 FEET OF AN AIRPORT SERVING PISTON-TYPE AIRCRAFT, THE PERMIT TO INSTALL APPLICATION SHALL INCLUDE A LETTER OF ACKNOWLEDGEMENT FROM THE AIRPORT ADMINISTRATOR THAT THE SANITARY LANDFILL FACILITY WILL NOT POSE A BIRD HAZARD TO AIRCRAFT. FOR PURPOSES OF THIS RULE "AIRPORT" MEANS AN AIRPORT CERTIFIED BY THE FEDERAL AVIATION AGENCY TO THE PUBLIC WITHOUT PRIOR PERMISSION AND INCLUDES ACTIVE MILITARY AIRFIELDS; AND

(C) THE DIRECTOR MAY TAKE INTO CONSIDERATION, WHEN DETERMINING WHETHER OR NOT TO APPROVE A PERMIT TO INSTALL APPLICATION FOR A SOLID WASTE DISPOSAL FACILITY, THE FOLLOWING:

(A) THE IMPACT THE PROPOSED SOLID WASTE DISPOSAL FACILITY MAY HAVE ON CORRECTIVE ACTIONS THAT HAVE BEEN TAKEN, ARE PRESENTLY BEING TAKEN, OR ARE PROPOSED TO BE TAKEN IN THE IMMEDIATE AREA; AND

(B) THE TECHNICAL ABILITY OF THE APPLICANT TO ADEQUATELY MONITOR THE IMPACTS OF THE SOLID WASTE DISPOSAL FACILITY ON THE ENVIRONMENT.

3/21/89

yellow

Steven Oster
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street NW
Washington, DC 20036-3302

Re: Ekco Housewares, Inc.

Dear Steve:

This letter is intended to correct any misunderstanding, as articulated in Steven Tasher's January 19, 1989, letter to me, that you may have regarding the review of the closure plan for the above-captioned facility.

The Ohio EPA has the primary responsibility for reviewing the closure plan for the Ekco facility. However, the U.S. EPA reviewed the plan previously submitted by Ekco, and will review the revised closure plan. The U.S. EPA will approve the closure plan only if the plan complies with all federal regulatory requirements. Therefore, it is possible that the Ohio EPA will approve a closure plan for this facility that the U.S. EPA believes needs modification, and that those modifications may include additional or more stringent requirements.

Although the Partial Consent Agreement and Final Order designates U.S. EPA as the agency for closure plan approval, it has always been necessary for that plan to meet Ohio's stringent regulatory requirements for landfill siting as well as closure.

In a related context, the U.S. EPA will not indefinitely extend the deadline in the PCAO for re-submission of a revised closure plan. However, the Agency will extend the deadline for re-submission to May 6, 1989, 45 days after your meeting with the Ohio EPA.

Very truly yours,

Susan W. Prout
Assistant Regional Counsel

SWP 3/21/89

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

Steven Oster
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street NW
Washington, DC 20036-3302

Re: Ekco Housewares, Inc.

Dear Steve:

This letter is intended to correct any misunderstanding, as articulated in Steven Tasher's January 19, 1989, letter to me, that you may have regarding the review of the closure plan for the above-captioned facility.

The Ohio EPA has the primary responsibility for reviewing the closure plan for the Ekco facility. However, the U.S. EPA reviewed the plan previously submitted by Ekco, and will review the revised closure plan. The U.S. EPA will approve the closure plan only if the plan complies with all federal regulatory requirements. Therefore, it is possible that the Ohio EPA will approve a closure plan for this facility that the U.S. EPA believes needs modification, and that those modifications may include additional or more stringent requirements.

Although the Partial Consent Agreement and Final Order designates U.S. EPA as the agency for closure plan approval, it has always been necessary for that plan to meet Ohio's stringent regulatory requirements for landfill siting as well as closure.

In a related context, the U.S. EPA will not indefinitely extend the deadline in the PCAO for re-submission of a revised closure plan. However, the Agency will extend the deadline for re-submission to May 6, 1989, 45 days after your meeting with the Ohio EPA.

Very truly yours,

Susan W. Prout
Assistant Regional Counsel

Bob

OhioEPA
State of Ohio Environmental Protection Agency
P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149

Toward A Cleaner Environment
15 Year Anniversary
1972 - 1987

Richard F. Celeste
Governor

CLOSURE PLAN DISAPPROVAL
Issuance Date JAN 04 1989
Effective Date FEB 06 1989

CERTIFIED MAIL

January 4, 1989

Re: Closure Plan
Ekco Housewares, Inc.
OHD 045 205 424

Mr. Thomas Shingleton
Ekco Housewares, Inc.
359 State Street, Ext. NW
Massillon, OH 44646

Dear Mr. Shingleton:

On August 29, 1988, Ekco Housewares, Inc. submitted to Ohio EPA a closure plan for a hazardous waste surface impoundment located at 359 State Street, Ext. NW, Massillon, Ohio. The closure plan was submitted pursuant to Rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that Ekco Housewares, Inc.'s proposal for closure complies with the requirements of OAC Rules 3745-66-11 and 3745-66-12.

The public was given the opportunity to submit written comments regarding the closure plan of Ekco Housewares, Inc. in accordance with OAC Rule 3745-66-12. The public comment period extended from September 19, 1988, to October 25, 1988. No comments were received by Ohio EPA in this matter.

Based upon review of the company's submittal and subsequent revisions, I conclude that the closure plan for the hazardous waste facility at Ekco Housewares, Inc. does not meet the performance standard contained in OAC Rule 3745-66-11 and does not comply with the pertinent parts of OAC Rule 3745-66-12.

The closure plan submitted to Ohio EPA by Ekco Housewares, Inc. is hereby disapproved (see Attachments A and B).

Due to the fact that the Ohio EPA is not currently authorized to conduct the federal hazardous waste program in Ohio, your closure plan also must be reviewed by USEPA. Federal RCRA closure regulations (40 CFR 265.112) require that you submit a closure plan to Lisa Pierard, Chief, Waste Management Division, Technical Programs Section, Ohio Unit, USEPA, Region V, 5HS-13, 230 South Dearborn Street, Chicago, Illinois 60604. Review and approval of the closure plan by both agencies is necessary prior to commencement of activities required by the approved closure plan.

You are notified that this action of the Director is issued as a proposed action pursuant to ORC Section 3745.07. This action will become final on the effective date indicated unless you or an objector files an appeal requesting an adjudication hearing within thirty (30) days of the date of issuance of this action. The adjudication hearing will be conducted in accordance with OAC Chapter 3745-47. The request for a hearing shall specify the issues of fact and law to be contested. Requests for hearings shall be sent to: Ohio Environmental Protection Agency, Hearing Clerk, 1800 WaterMark Drive, P.O. Box 1049, Columbus, OH 43266-0149.

A modified closure plan addressing the deficiencies enumerated in Attachments A and B must be submitted to the Director of the Ohio EPA for approval within thirty (30) days of the receipt of this letter in accordance with OAC 3745-66-12 and 3745-66-18. The modified closure plan should be submitted to: Ohio Environmental Protection Agency, Division of Solid and Hazardous Waste Management, Attn: Thomas Crepeau, Manager, Data Management Section, P.O. Box 1049, Columbus, Ohio 43266-0149. A copy should also be sent to: Susan McCauslin, Ohio EPA, Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Sincerely,

Richard L. Shank, Ph.D.
Director

RLS/PV/ps

cc: DSHWM Central File, Ohio EPA
Lisa Pierard, USEPA, Region V
Susan McCauslin, NEDO, Ohio EPA
Paul Vandermeer, DSHWM, Ohio EPA

1774U

ATTACHMENT A
Ekco Housewares

1. The company shall clearly state the expected status of the facility after closure is completed (e.g., revert to generator only status).

2. The company shall provide USEPA identification numbers for the types of wastes disposed of in the impoundment.

3. The closure plan as it currently stands is unacceptable because contaminated soils/sludges are proposed to be abandoned below the groundwater table. The closure performance standard (OAC 3745-66-11) cannot be met by leaving treated or untreated contaminated materials in contact with the groundwater as hazardous constituents may continue to leach out of the contaminated materials and continue to contaminate groundwater. Ekco Housewares shall submit another closure plan to revise the closure strategy for the surface impoundment either by removal of the wastes or the construction of a special landfill that separates the waste from the water table (please note additional commentary on this matter in Attachment B).

4. The company shall indicate on the closure schedule, the specific closure activities at which the independent, registered professional engineer shall be present.

5. The certifications of closure by Ekco Housewares and the professional engineer shall be submitted to the Director of Ohio EPA in accordance with OAC 3745-50-42 within 60 days of completion of closure.

6. Ekco Housewares shall also submit supporting documentation for closure activities (survey plat, certifications, etc.) to Ohio EPA in addition to USEPA Region V as outlined in the plan.

7. The company shall provide further information specifying where equipment is to be decontaminated and how the rinsewaters from equipment decontamination will be collected and disposed of properly. The company shall also outline the methods used to prevent migration of waste materials (i.e., contaminated sludges and soils) outside of the closure area on equipment tires, etc.

8. Residues and sludges generated from equipment decontamination shall be managed as hazardous waste. Rinseates generated from equipment decontamination shall be considered clean when concentrations of contaminants fall below the maximum contaminant level (MCL) as promulgated in OAC 3745-81-11 for inorganics and OAC 3745-81-12 for organics. If an MCL is unavailable for a particular contaminant, then the maximum

contaminant level goal (MCLG) shall be used as the clean standard. If neither an MCL or MCLG is available for a particular waste constituent, then 1 mg/l shall be used as the clean standard. If the MCL or MCLG is below the contaminant's analytical detection limit (ADL) as provided in USEPA Publication SW-846, then the SW-846 ADL shall be used as the clean standard. Decontamination efforts shall be considered complete when rinseate testing meets the above standard. Rinseates exceeding the above standard shall be managed as hazardous waste.

9. If waste stabilization is still considered a viable option in the revised closure plan, then several specific items must be met. First, the company must present the results of the treatability study to Ohio EPA proving the adequacy of the proposed treatment. Second, if stabilized wastes are to be land disposed, they must meet the treatment standards for the "first-third" wastes (D002 and D006) as designated in 40 CFR 268.40. If they do not meet these standards, then the land disposal option may not be used. Third, the chemical analysis of the stabilized waste shall follow the Toxicity Characteristic Leaching Procedure (TCLP) analysis method for heavy metals and organics as outlined in 40 CFR 268, Appendix I. The analysis shall be performed on the stabilized mixture that meets the approved performance standards. Fourth, stabilized waste, may not be disposed of on-site using the current proposed closure method as the wastes will continue to be in contact with the groundwater. Fifth, stabilized waste must be tested for adequate and proper stabilization. The unconfined compressive strength of the stabilized sludge shall be at least 50 psi. Ohio EPA may accept less than 50 psi if Ekco Housewares can demonstrate that the stabilized sludge meets the following criteria: (i) increasing strength over time; (ii) support a final cap with a safety factor of two (2); (iii) support load-bearing capacity with a safety factor of two (2); (iv) proof of chemical stabilization; and (v) meet or exceed the land disposal treatment standards. Wastes not meeting the proper criteria as outlined in the approved closure plan, shall be restabilized. Ekco Housewares shall ensure that all wastes undergoing stabilization meet or exceed treatment criteria as approved in the closure plan. This may mean segregating "batches" of treated wastes for specific time periods and then testing for adequate stabilization prior to disposal in order to ensure adequate stabilization.

10. Should Ekco Housewares be able to redesign the land disposal unit to keep wastes from contacting the groundwater, and ensure that the wastes are treated to meet the land disposal restrictions, then "covering" the wastes in the unit can take place. If wastes are to be disposed of "in-place," then the bottom of the landfill shall have at least 5 feet of separation from the historic high water table. The historic high water table must account for the cessation of pumping of the plant's process wells and also those of the City of Massillon and the subsequent elimination of the drawdown cone from these wells. As a minimum, the landfill shall be equipped with a bottom liner and leachate collection system as outlined in USEPA Publication EPA/530-SW-85-014, "Minimum Technology Guidance on Double-Liner Systems for Landfills and Surface Impoundments Design, Construction, and Operation." Ohio EPA asserts that the closure performance standard OAC 3745-66-11 requires the landfill to be equipped with two (2) 30 mil flexible membrane bottom liners and leachate collection/detection systems above and between the liners. The elevation of the bottommost liner shall be at least 5 feet above the historic high water table.

The final cover shall meet the RCRA guidelines in order to ensure compliance with the closure performance standard. The final cover shall consist of the following, or the equivalent amount of protection as provided in an alternate RCRA cap design (the HELP model shall be used to determine if an alternate final cap design is adequate for closure purposes).

- A two (2) foot layer of clay compacted to a permeability of at most 1×10^{-7} cm/sec shall be placed over the waste in six (6) inch lifts.

- A synthetic liner of at least 30 mils shall be placed over the 2 foot clay layer. The chemical make-up of the liner shall be compatable with the wastes stored in the unit.

- A drainage layer of at least 1×10^{-2} cm/sec permeability shall be placed over the synthetic liner and graded to allow liquids entering it to drain off of the cap and be diverted away.

- At least a two (2) foot layer of top soil shall be placed over the drainage layer with a filter fabric placed in between the top soil and drainage layer to prevent clogging of the drainage layer with fine particled soils.

- The top soil layer shall be properly graded and vegetated to prevent erosion and ponding of water. The final cap shall be graded to no more than a 3-5% slope after allowing for settlement and subsidence.

- The cap design shall also include construction QA/QC along with detailed engineering drawings of all facets of cap design along with information to substantiate each part.

11. Should post-closure care be necessary (if the unit is closed in-place as a landfill it shall be required), the company shall provide the name, address and telephone number of the person(s) responsible for post-closure care of the closed unit. Post-closure care shall be outlined in a post-closure plan. Groundwater monitoring shall be included and implemented as per the approved Quality Assurance Management Plan.

ATTACHMENT B

The method proposed by Ekco Housewares, Inc. for closure for the surface impoundment as a landfill (in-situ stabilization of sludges and subsoils to the water table by adding cement kiln dust) will not meet the closure performance standard as set forth in OAC 3745-66-11(B). This standard states that "the owner or operator must close the facility in a manner that controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground or surface water or to the atmosphere".

The following are specific hydrogeologic considerations that are the basis for disapproving the proposed closure method:

1. The geologic materials existing beneath and surrounding the regulated surface impoundment are highly permeable (glacial outwash deposits) and will not act as an acceptable barrier to prevent or minimize the migration of hazardous waste constituents from the surface impoundment to the ground water.

2. The clay material identified beneath the contaminated sludge/subsoil occurs within the local water table, is variable in thickness (1-4 feet) and is not continuous. Ekco Housewares states in the Closure Plan that, "the clay layer thins to the southeastern corner of the lagoon and is not present at the soil boring BSB-5."

3. It is estimated that up to 10 feet of sludge or soils displaying the characteristics of sludge (approximately 924-934 mean sea level) overlies the identified discontinuous clay layer. The piezometric elevation diagram (Figure 3-8) indicates the ground water table to be approximately (924-928 feet mean sea level) 6-8 feet beneath the present day surface of the impoundment. The proposed method of closure to stabilize the contaminated sludge/subsoil to the water table is not an adequate method of closure. According to the soil boring sampling results, highly contaminated sludge/subsoil is present to depths beneath the existing water table.

4. Bottom Soil Boring 6 (BSB-6) has extremely elevated levels of cadmium (5,400 ppm), chromium (745 ppm), lead (18,000 ppm) and low level VOC contamination at the 6-8 feet sampling depth below the lagoon surface. The piezometric surface beneath the BSB-6 location is approximately 928 feet mean sea level. The surface elevation at BSB-6 according to the soil boring log is 934.75 feet mean sea level. If removal to the water table methodology were employed and assuming the depth to the water table is the same during stabilization, approximately 1.25 feet of highly contaminated soil (containing metals and VOC's) could potentially remain unstabilized and continue to contaminate ground water.

5. Ekco Housewares Inc. states that "the lagoon is not the primary source of contaminants in the ground water because of the distribution of the contaminants in the other monitoring wells." The Ohio EPA agrees that there are other "hot spots" on site with elevated VOC levels (well D-4-30 located next to the above ground solvent storage tanks) which may contribute to site wide contamination, but the surface lagoon should not be disregarded as a major source of metal or VOC contamination. While present day levels of VOC concentrations in the lagoons sludge/subsoil are low, historic concentrations of the lagoon influent water (28 ppm total VOC concentration) and sludge/subsoil (up to 71 ppm total VOC concentration) indicate that high concentrations of VOC's were discharged to the surface lagoon. The ground water remediation program currently in progress at the facility (pumping and treating contaminated ground water through an air-stripper) has documented levels of total VOC concentrations up to 16 ppm from the recovery well W-10 since May 1986. The concentration of VOC's in well W-10 have not exceeded historic concentrations in either the lagoon influent water or the sludge/subsoil.

6. The "D" series wells (shallow ground water monitoring wells) surrounding the lagoon have shown VOC contamination up to 0.4 ppm. The facility has recently sampled a new set of shallow monitoring wells ("L" series) for VOC's and total and dissolved metals, and sampling results are pending.

7. The regulated surface impoundment is located within 2500 feet of the City of Massillon's public drinking water supply wells (1, 2 and 3). The well field is operated by Ohio Water Service with wells located within the highly permeable sand and gravel outwash deposits of the Tuscarawas River valley. In 1986, the City of Massillon discontinued the use of water supply well #4, located just 1500 feet east Ekco Housewares surface impoundment, due to low level VOC contamination. The proposed method of closure will not remove all contaminated sludge/subsoil and will, therefore, continue to contaminate the highly permeable sand and gravel outwash deposits in which the City of Massillon obtains their drinking water. It has not been determined if the increase in pumping of well W-10 for ground water remediation will contain all contaminated ground water to Ekco Housewares property. The City of Massillon's wells 1, 2 and 3 collectively withdraw 4700 gallons per minute which is approximately 10 times the pumping rate of the recovery wells at Ekco Housewares. The cone of depression of the City's well field may encompass the surface impoundment area at Ekco Housewares, however, this has not been determined by the facility to date. Also, closure shall include a groundwater remediation plan that will outline the clean-up of groundwater contamination.

   The contaminated sludge/subsoil stored in the surface impoundment contains elevated levels of RCRA regulated metals (cadmium, chromium and lead) and low levels of VOC's, especially TCE and TCA. Previous studies have documented extremely elevated levels of VOC's in both the lagoon influent water and the sludge. The current analysis reveals that the highest concentration of VOC's is no longer the surface impoundment area but the

soil and ground water adjacent to the above ground TCE storage tank located along the north end of the building. The presence of high permeability glacial outwash deposits, the contaminated sludge/subsoil of the surface impoundment in contact with the ground water table, the close proximity of public drinking water supply wells, and the presence of ground water contamination emanating from the surface impoundment all contribute to releases of hazardous waste constituents into the aquifer. OAC 3745-66-11 requires that releases of hazardous wastes or constituents be eliminated or minimized to the maximum extent possible. Therefore, the facility shall propose an acceptable method of closure for the surface impoundment to effectively remove the contaminated sludge/subsoil below the water table level beneath the regulated unit either by clean closure or landfill construction as noted in Attachment A.

1790U

inter-office communication

to: Paul Vandermeer, TA & E Section, DSHWM, Central Office date: 11/29/88

from: Michael Eggert through Jan Carlson through Tim Krichbaum, DGW, Central Office.

subject: Comments on Draft RCRA Closure Plan for Ekco Housewares, Inc., Massillon, Ohio, August 1988

The method proposed by Ekco Housewares, Inc. for closure for the surface impoundment as a landfill (in-situ stabilization of sludges and subsoils to the water table by adding cement kiln dust) will not meet the closure performance standard as set forth in 40 CFR 265.111 (b). This standard states that "the owner or operator must close the facility in a manner that controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground or surface water or to the atmosphere".

The following are specific hydrogeologic considerations that are the basis for not accepting the proposed closure method:

1. The geologic materials existing beneath and surrounding the regulated surface impoundment are highly permeable (glacial outwash deposits) and will not act as an acceptable barrier to prevent or minimize the migration of hazardous waste constitiuents from the surface impoundment to the ground water.

2. The clay material identified beneath the contaminated sludge/subsoil occurs within the local water table, is variable in thickness (1 - 4 feet) and is not continuous. Ekco states in the Closure Plan that, "the clay layer thins to the southeastern corner of the lagoon and is not present at the soil boring BSB-5."

3. It is estimated that up to 10 feet of sludge or soils displaying the characteristics of sludge (approximately 924-934 mean sea level) overlies the identified discontinuous clay layer. The piezometric elevation diagram (Figure 3-8) indicates the ground water table to be approximately (924-928 feet mean sea level) 6-8 feet beneath the present day surface of the impoundment. The proposed method of closure to stabilize the contaminated sludge/ subsoil to the water table is not an adequate method of closure. According to the soil boring sampling results, highly contaminated sludge/subsoil is present to depths beneath the existing water table.

4. Bottom Soil Boring 6 (BSB-6) has extremely elevated levels of cadmium (5,400 ppm), chromium (743 ppm), lead (18,000 ppm) and low level VOC contamination at the 6-8 feet sampling depth below the lagoon surface. The piezometric surface beneath the BSB-6 location is approximately 928 feet mean sea level. The surface elevation at BSB-6 according to the soil boring log is 934.75 feet mean sea level. If removal to the water table methodology were employed and assuming the depth to the water table is the same during stabilization, approximately 1.25 feet of highly contaminated soil (containing metals and VOC's) could potentially remain unstabilized and continue to contaminate ground water.

5. Ekco Housewares Inc. states that "the lagoon is not the primary source of contaminants in the ground water because of the distribution of the contaminants in the other monitoring wells". The Ohio EPA, Division of Ground Water agrees that there are other "hot spots" on site with elevated VOC levels (well D-4-30 located next to the above ground solvent storage tanks) which may contribute to site wide contamination, but the surface lagoon should not be disregarded as a major source of metal or VOC contamination. While present day levels of VOC concentrations in the lagoons sludge/subsoil are low, historic concentrations of the the lagoon influent water (28 ppm total VOC concentration) and sludge/subsoil (up to 71 ppm total VOC concentration) indicate that high concentations of VOC's were discharged to the surface lagoon. The ground water remediation program currently in progress at the facility (pumping and treating contaminated ground water through an air-stripper) has documented levels of total VOC concentrations up to 16 ppm from the recovery well W-10 since May 1986. The concentration of VOC's in well W-10 have not exceeded historic concentrations in either the lagoon influent water or the sludge/subsoil.

6. The "D" series wells (shallow ground water monitoring wells) surrounding the lagoon have shown VOC contamination up to 0.4 ppm. The facility has recently sampled a new set of shallow monitoring wells ("L" series) for VOC's and total and dissolved metals, and sampling results are pending.

7. The regulated surface impoundment is located within 2500 feet of the City of Massillon's public drinking water supply wells (1,2 and 3). The well field is operated by Ohio Water Service with wells located within the highly permeable sand and gravel outwash deposits of the Tuscarawas River valley. In 1986, the City of Massillon discontinued the use of water supply well #4, located just 1500 feet east Ekco Housewares surface impoundment, due to low level VOC contamination. The proposed method of closure may not remove all contaminated sludge/subsoil and may, therefore, potentially continue to contaminate the highly permeable sand and gravel outwash deposits in which the City of Massillon obtains their drinking water. It has not been determined if the increase in pumping of well W-10 for ground water remediation will contain all contaminated ground water to Ekco Housewares property. The City of Massillon's wells 1, 2 and 3 collectively withdraw 4700 gallons per minute which is approximately 10 times the pumping rate of the recovery wells at Ekco Housewares. The cone of depression of the City's well field may encompass the surface impoundment area at Ekco Housewares, however, this has not been determined by the facility to date.

The contaminated sludge/subsoil stored in the surface impoundment contains elevated levels of RCRA regulated metals (cadmium, chromium and lead) and low levels of VOC's, especially TCE and TCA. Previous studies have documented extremely elevated levels of VOC's in both the lagoon influent water and the sludge. The current analysis reveals that the highest concentration of VOC's is no longer the surface impoundment area but the soil and ground water adjacent to the above ground TCE storage tank located along the north end of the building. The Ohio EPA - Division of Ground Water asserts that the presence of high permeability glacial outwash deposits, the contaminated sludge/subsoil of the surface impoundment in contact with the ground water table, the close proximity of public drinking water supply wells and the presence of ground water contamination emanating from the surface impoundment require that the potential for additional releases of hazardous waste constituents into the aquifer be eliminated or minimized to the maximum extent possible. Therefore, the Division of Ground Water recommends the facility propose an acceptable method of closure for the surface impoundment to effectively remove the contaminated sludge/subsoil below the water table level beneath the regulated unit.

PV/rs
0349g

cc: Gary Martin, DGW-CO
Dave Wertz, DSHWM-NEDO
Chris Khourey, DGW-NEDO
Susan McCauslin, DSHWM-NEDO
Bob Swale, USEPA, Region V
Walter Nied, USEPA, Region V

Monitoring Well

	Replicates				Average
semi-annual	42	43	38	36	39.75

The semi-annual average ($\bar{X}_m$) is the sum of the replicates divided by the number of replicates.

$$\bar{X}_m = \frac{42 + 43 + 38 + 36}{4} = 39.75$$

To perform the Student's t-test using the overall background average, background standard deviation, and monitoring well semi-annual average, compute the following test statistic:

$$t = \frac{\bar{X}_m - \bar{X}_b}{(1.118)\, S_b}$$

$1.118 = \sqrt{5/4}$

$n_b = 4$

$n_m = 1$

For specific conductance, TOC, and TOX, if the computed value of t is greater than or equal to 4.541, then there is a statistically significant increase for that indicator at the 0.01 level of significance.

For pH, if the computed value of t is less than or equal to -5.841, or, if it is greater than or equal to 5.841, then there is a statistically significant change in pH at the 0.01 level of significance.

For the above example,

$$t = \frac{39.75 - 13.3125}{(1.118)(3.7493)} = \frac{26.4375}{4.1917} = 6.307$$

Since t is greater than 4.541, there is a statistically significant increase in TOC at the 0.01 level of significance.

OhioEPA
State of Ohio Environmental Protection Agency
P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149

Toward A Cleaner Environment
15 Year Anniversary
1972 - 1987

Richard F. Celeste
Governor

September 16, 1988

Re: EKCO Housewares, Inc.
U.S. EPA ID No.: OHD045205424
Closure Plan

EKCO Housewares, Inc.
Attn: Thomas Shingleton
359 State Street, Ext. NW
Massillon, Ohio 44646

Dear Sir:

A public notice acknowledging the Ohio EPA's receipt of a closure plan for EKCO Housewares, Inc. located at 359 State Street, Ext. NW, Massillon, Ohio 44646 will appear the week of September 19, 1988, in The Canton Repository, Canton, Ohio. The Director of the Ohio EPA will act upon the closure plan request following the close of the public comment period, October 25, 1988.

Copies of the closure plan will be available for public review at the Massillon Public Library, 208 Lincoln Way E., Massillon, Ohio 44646 and the Ohio EPA, Northeast District Office, 2110 E. Aurora Road, Twinsburg, Ohio 44087.

Please contact me at (614) 644-2934, if you have any questions concerning this matter.

Sincerely,

Thomas E. Crepeau

Thomas E. Crepeau, Manager
Data Management Section
Division of Solid & Hazardous Waste Management

TEC/dhs

cc: Rebecca Strom, U.S. EPA, Region V
Randy Meyer, Ohio EPA, DSHWM, TA&ES
Susan McCauslin, Ohio EPA, DSHWM, NEDO

2215R(2)

PUBLIC NOTICE Stark County

RECEIPT OF HAZARDOUS WASTE CLOSURE PLAN

For: EKCO Housewares, Inc., 359 State Street, Ext. NW, Massillon, Ohio 44646, U.S. EPA ID No.: OHD045205424. Pursuant to OAC Rule 3745-66-10 thru 17 and 40 CFR, Subpart G, 265.110 thru 117, the Ohio Environmental Protection Agency (Ohio EPA) is hereby giving notice of the receipt of a Hazardous Waste Facility Closure Plan for a lagoon/surface impoundment for the above referenced facility. Ohio EPA is also giving notice that this facility is subject to a determination concerning corrective action, a requirement under the Hazardous and Solid Waste Amendments of 1984, which concerns any possible uncorrected releases of hazardous waste or hazardous constituents to the environment from any current or previous solid waste management units at the above facility. A corrective action determination is required from hazardous waste facilities intending to close.

Copies of the facility's Closure Plan will be available for public review at the Massillon Public Library, 208 Lincoln Way E., Massillon, Ohio 44646 and the Ohio EPA, Northeast District Office, 2110 E. Aurora Road, Twinsburg, Ohio 44087. Comments concerning the Closure Plan or factual information concerning any releases of hazardous waste or hazardous waste constituents by the above facility requiring corrective action should be submitted within 30 days of this notice to: Ohio Environmental Protection Agency, Div. of Solid & Hazardous Waste Mgmt., Data Management Section, Attn: Thomas E. Crepeau, Box 1049, Columbus, Ohio 43266-0149.

WESTON WAY
WEST CHESTER, PA 19380
PHONE: 215-692-3030
TELEX: 83-5348

12 August 1988

Mr. Walter F. Nied, Jr.
U.S. Environmental Protection Agency, Region V
Hazardous Waste Enforcement Branch
230 S. Dearborn St.
Chicago, IL 60604

W.O. #2994-02-03

Dear Mr. Nied:

Enclosed you will find a copy of the RCRA Closure Plan for the EKCO Housewares facility in Massillon, Ohio. The plan contains the proposed selected alternative and a proposed schedule for implementation of construction activities at the site.

Simultaneous mailings of the plan are going to :

Mr. Robert Swale - U.S. EPA Region V
Mr. Donald Heller - U.S. EPA Region V
Mr. Richard L. Shank - Director, Ohio EPA
Mr. David Wertz - Director, N.E. Office, Ohio EPA

This plan is being submitted at the direction of Mr. Timothy McGuinness for EKCO Housewares, Inc. If there are any questions, please contact me at (215)344-3643.

Very truly yours,

ROY F. WESTON, INC.

Harold G. Byer, Jr.
Project Manager

HGB/mq
Enclosures

cc: Mr. Timothy McGuinness - American Home Products
Mr. Thomas Shingleton - EKCO Housewares, Inc.

AMERICAN HOME PRODUCTS CORPORATION
685 THIRD AVENUE
NEW YORK, N.Y. 10017
(212) 878-5000

July 25, 1988

Mr. Don Heller
U.S. Environmental Protection Agency
Region 5, 5HS-13
230 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Heller:

I am writing to confirm our conversations regarding an extension of the submittal date for the Closure Plan for the wastewater lagoon at the Ekco Housewares Inc., Massillon,Ohio. As was agreed, the closure plan will be submitted to the Agency by August 15, 1988. The extension was necessitated by new information developed during installation of the monitoring wells for the Groundwater Quality Assessment Plan, and the need to incorporate this information in the closure method selection process.

Thank you for your consideration in this matter, and should you have any questions, please feel free to contact me at 212-878-5769.

Very truly yours,

Timothy McGuinness

Timothy McGuinness
Manager, Environmental Engineering

TM/lmn

cc: H. Byer -(Weston)
T. Shingleton -(Ekco)
S. Tasher - (DNL&I)
G.A. Jibilian

AMERICAN HOME PRODUCTS CORPORATION

685 THIRD AVENUE
NEW YORK, N.Y. 10017
(212) 878-5000

March 29, 1988

Mr. Robert Swale
RCRA Permitting Branch,5HS-13
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Swale:

This letter is to confirm our discussions regarding implementation of the pre-closure assessment for the wastewater lagoon at the Ekco Housewares Inc. site in Massillon, Ohio. As was discussed in our meeting of March 11, 1988, the pre-closure assessment will be implemented and final closure plan submitted to your office within 120 days of the March 11, 1988 meeting (due date of July 19, 1988).

Should you have any questions, please contact me at (212)878-5769.

Very truly yours,

Timothy McGuinness

Timothy McGuinness
Manager, Envrionmental
Engineering

TM/lmn
cc: J. Mantel
S. Tasher, DNL&I
T. Shingleton, Ekco

WESTON
MANAGERS DESIGNERS/CONSULTANTS

SHEET ____ of ____

CLIENT/SUBJECT AHP W.O. NO. ______

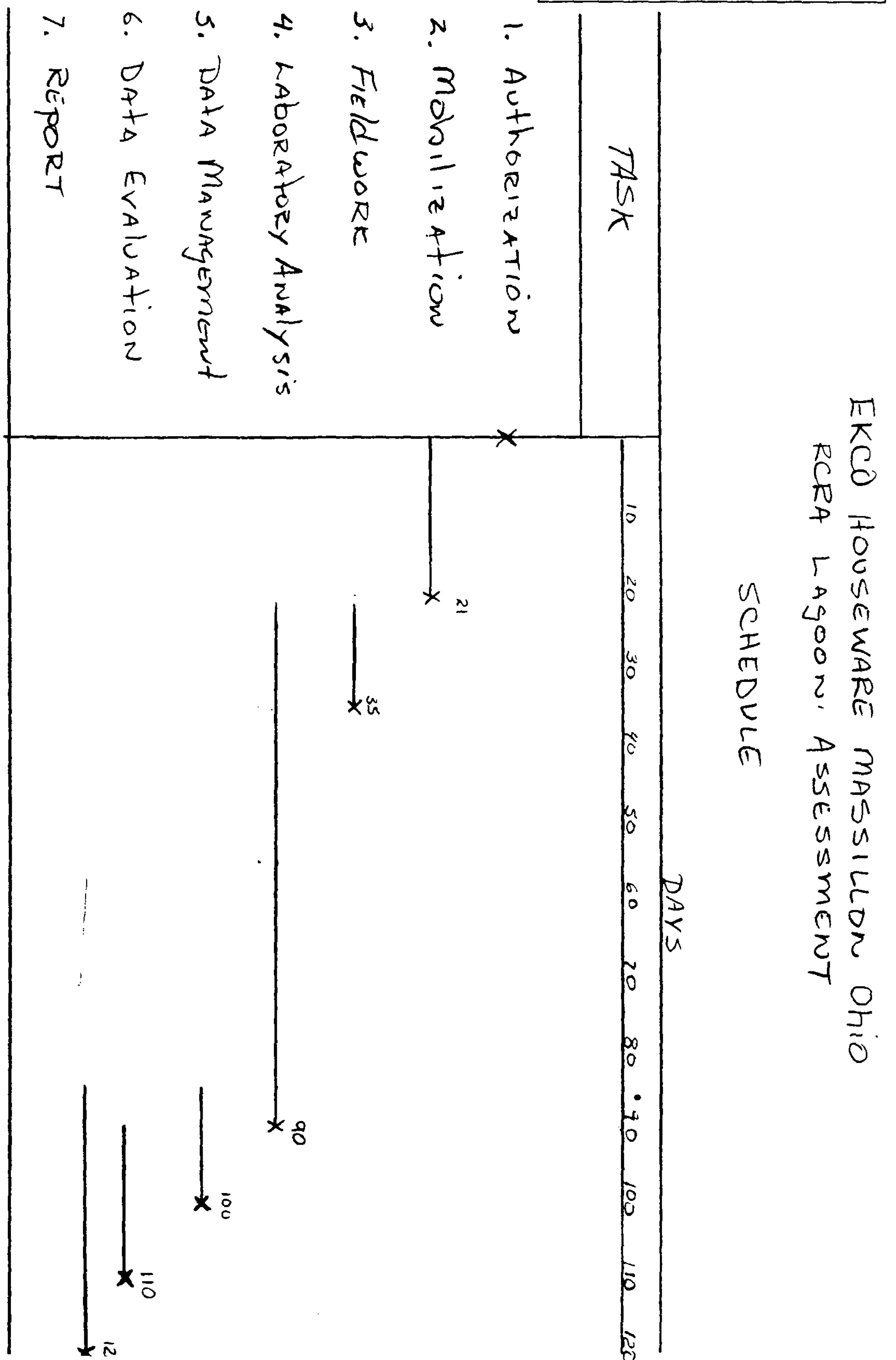
TASK DESCRIPTION RCRA Closure TASK NO. ______

PREPARED BY Amin DEPT 1645 DATE 2-29-88

MATH CHECK BY ______ DEPT ______ DATE ______

METHOD REV. BY ______ DEPT ______ DATE ______

APPROVED BY ______ DEPT ______ DATE ______



WESTON
MANAGERS DESIGNERS CONSULTANTS

SHEET___

CLIENT/SUBJECT AHP W.O. NO.___

TASK DESCRIPTION RCRA Lagoon Assessment Schedule TASK NO.___

PREPARED BY AMM DEPT 1645 DATE 2-29-88 | APPROVED BY

MATH CHECK BY___ DEPT___ DATE___ | ___

METHOD REV. BY___ DEPT___ DATE___ | DEPT___ DATE___

EKCO HOUSEWARES MASSILLON OHIO

RCRA LAGOON ASSESSMENT

SCHEDULE

TASK	DAYS FROM AUTHORIZATION TASK COMPLETED
Mobilization	21
Fieldwork	35
Laboratory Analysis	90
Data Management	100
Data Evaluation	110
Report	120

EKCO®
HOUSEWARES, INC.

MASSILLON DIVISION

December 9, 1986

Mr. Walter F. Nied, Jr.
U. S. Environmental Protection Agency
Region V - Waste Management
230 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Nied:

We are writing to inform your Agency that Ekco Housewares, Inc. is continuing to implement steps towards development of a Closure Plan in accordance with the Resource Conservation And Recovery Act and regulations promulgated thereunder.

We also wish to inform you that Ekco has retained the further services of Floyd Browne Associates, Inc. on this date to conduct additional soil samplings and ground water monitoring well installations at the Massillon facility as reviewed with, and generally agreed to by you, at our meeting on November 6, 1986. We understand that a formal Closure Plan would be an alternative to remedial action contained in the November 6, 1986 Complaint, Finding Of Violation, and Compliance Order.

Ekco is undertaking these steps in a good faith effort to remediate any alleged problem at its facility. Ekco's actions should not in any way be construed as an admission of any of the allegations contained in the Complaint. Ekco expressly preserves its rights and defenses to that action.

As in the past, we welcome EPA's assistance and participation in further development of this Closure Plan.

Sincerely,

EKCO HOUSEWARES, INC.

Thomas J. Shingleton
Plant Manager

TJS/lm

CC: See Page 2

CC: Beverly Shorty, U.S. EPA
Victor Franklin, U.S. EPA
Rodney Beals, Ohio EPA
P. Stark, Floyd Browne Associates
W. P. Miller
K. Petrine
J. Epps

February 28, 1986

RE: EKCO HOUSEWARES COMPANY
STARK COUNTY
OHD 015-204-424

Mr. Thomas Shingleton
Ekco Housewares Company
P. O. Box 560
Massillon, Ohio 44646

Dear Mr. Shingleton:

Thank you for your August 21, 1985 submittal including analyses for sludge samples collected from the on-site surface impoundment.

From the information received, it is our understanding that five-three foot soil cores were collected from the impoundment on July 1, 1985, and analyzed for voatile organic compounds (VOC's) and metals (both Total and EP Toxicity analyses). The results of these analyses indicated the presence of VOC's ranging from 14 ppm to 71 ppm. Dichlorobenzene appeared to be the dominant volatile compound detected ranging in concentration from 0 ppm to 50 ppm. Two of the five soil samples exhibited characteristics of EP Toxicity with levels of cadmium exceeding 1 ppm (1.8 ppm and 2.0 ppm, respectively). In addition, total metal analyses for lead ranged from 520 ppm to 11,000 ppm.

These results indicate that the surface impoundment contains sludges that are hazardous as defined by the Ohio Administrative Code (OAC) 3745-51-24. The storage of hazardous waste in a surface impoundment without a State hazardous waste permit is in violation of the Ohio Revised Code (ORC) 3734.02. In addition, EKCO is in violation of the applicable Ohio Administrative Code facility rules.

Please be advised that because of the serious nature of violations at the EKCO Housewares Company, your company is classified as a High Priority Violator. As a result, I am obliged to refer this case to Ohio EPA's Central Office where formal enforcement action will be considered. In any event, Ohio EPA must take action on the case within 90 days from the date of this letter. Within 30 days you will receive notification requesting that a meeting be scheduled to discuss the resolution of this matter.

For further information regarding this matter, please contact Mr. Ed Kitchen at (614) 462-8949, Central Office, OEPA.

Yours truly,

Rodney Beals
Environmental Scientist
Division of Solid and Hazardous Waste Management

RB:sp

cc: [redacted]
Kevin O'Grady, DSHWM, Central Office
Stuart Bruny, District Chief, NEDO
Eileen Mohr, DWQMA, NEDO
Bill Miller, IWW, NEDO
Bill Skowronski, DSHWM, NEDO